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TABLE OF CONTENTS.

ADMINISTRATION OF ESTATES :	PAGE.
CLAIMS AGAINST ESTATES :	
An act to amend section sixty (60) of an act entitled "An act in regard to the Administration of Estates," approved April 1, 1872. Approved May 21, 1877. In force July 1, 1877.	1
UNCLAIMED MONEY IN THE HANDS OF ADMINISTRATORS AND EXECUTORS :	
An act to provide for the disposal of unclaimed moneys in the hands of Administrators and Executors. Approved May 12, 1877. In force July 1, 1877.....	2
AGRICULTURE AND HORTICULTURE :	
AGRICULTURE :	
An act in relation to the State Board of Agriculture. Approved and in force May 12, 1877.	2
COLLECTION AND PUBLICATION OF AGRICULTURAL AND OTHER STATISTICS :	
An act to secure the Collection and Publication of Agricultural and other Statistics. Approved and in force May 25, 1877.....	3
AMENDMENTS TO THE CONSTITUTION :	
An act to provide the manner of proposing amendments to the Constitution, and submitting the same to the electors of this State. Approved March 14, 1877. In force July 1, 1877.....	4
ANIMALS :	
An act declaring certain animals and birds <i>feræ naturæ</i> to be personal property. Approved April 10, 1877. In force July 1, 1877.....	6
ENFORCEMENT OF THE LAW TO PREVENT CRUELTY TO :	
An act to secure the enforcement of the law for prevention of cruelty to animals. Approved May 25, 1877. In force July 1, 1877.....	6
APPROPRIATIONS :	
STATE BOARD OF AGRICULTURE :	
An act making an appropriation for the State Board of Agriculture, and the County and other subordinate Boards of Agriculture. Approved May 21, 1877. In force July 1, 1877.....	7
CLAIM OF BARNARD AND GOWEN :	
An act to pay Barnard and Gowen damages suffered by a failure of the State to furnish cut stone from the State penitentiary, according to its contract. Approved May 17, 1877 In force July 1, 1877.....	8
INSTITUTION FOR THE BLIND :	
An act making appropriations for the expenses of the Illinois Institution for the Education of the Blind, for the years 1877 and 1878. Approved May 18, 1877. In force July 1, 1877	9
CONVICTION OF CRIMINALS IN OTHER STATES :	
An act to provide for the payment of the expenses of the arrest and conviction of criminals for crimes committed upon citizens of this State, in other States. Approved May 16, 1877. In force July 1, 1877.....	9
COPPERAS CREEK DAM :	
An act to make further Appropriations for the Completion of the Copperas Creek Dam and Lock on the Illinois River. Approved May 11. In force July 1, 1877.....	9
INSTITUTION FOR THE DEAF AND DUMB :	
An act for the erection of Workshops for the Illinois Institution for the Education of the Deaf and Dumb, and for special repairs on said Institution. Approved May 18, 1877. In force July 1, 1877.....	10

APPROPRIATIONS—CONTINUED.

PAGE.

INSTITUTION FOR THE DEAF AND DUMB:

An act for the support of the Illinois Institution for the Education of the Deaf and Dumb, and for general repairs thereon, and for the Pupils' Library. Approved May 18, 1877. In force July 1, 1877..... 11

DOUGLAS MONUMENT:

An act to appropriate Fifty Thousand Dollars to complete the Douglas Monument at Chicago. Approved May 21, 1877. In force July 1, 1877..... 11

EXPENDITURES INCURRED IN SUPPRESSING THE REBELLION:

An act making an Appropriation for the Expenditures incurred in Suppressing the Rebellion. Approved May 12, 1877. In force July 1, 1877..... 12

EYE AND EAR INFIRMARY AT CHICAGO:

An act to make appropriations for the Illinois Charitable Eye and Ear Infirmary, at Chicago. Approved May 22, 1877. In force July 1, 1877..... 12

ASYLUM FOR FEEBLE MINDED CHILDREN:

An act making Appropriations for the Illinois Asylum for Feeble Minded Children. Approved May 21, 1877. In force July 1, 1877..... 13

RELIEF OF THE GERMAN NATIONAL BANK:

An act for the Relief of the German National Bank of Chicago. Approved May 18, 1877. In force July 1, 1877..... 14

HORTICULTURAL SOCIETY.

An act making an appropriation in aid of the Illinois State Horticultural Society. Approved May 15, 1877. In force July 1, 1877..... 16

INDUSTRIAL UNIVERSITY:

An act making appropriations for the Illinois Industrial University. Approved May 18, 1877. In force July 1, 1877..... 17

HOSPITAL FOR THE INSANE, CENTRAL:

An act entitled, "An act making appropriations to defray the ordinary expenses of the Illinois Central Hospital for the Insane, located at Jacksonville, and for making repairs and improvements to said Hospital." Approved May 17, 1877. In force July 1, 1877..... 18

HOSPITAL FOR THE INSANE, CENTRAL:

An act for erecting additional buildings to the Central Hospital for the Insane, located at Jacksonville, and for heating and furnishing the same. Approved and in force May 18, 1877..... 19

HOSPITAL FOR THE INSANE, EASTERN:

An act making appropriations for land and for the construction of buildings for the Illinois Eastern Hospital for the Insane. Approved May 25, 1877. In force July 1, 1877..... 21

HOSPITAL FOR THE INSANE, NORTHERN:

An act to remove two cottages now on the grounds of the Illinois Northern Hospital for the Insane, at Elgin, and putting foundations under the same, and making additions thereto, for Hospital purposes, and to furnish the same, and to erect two lodges at gateways to Hospital grounds. Approved and in force May 18, 1877..... 24

HOSPITAL FOR THE INSANE, NORTHERN:

An act making appropriations for the ordinary and other expenses of the Illinois Northern Hospital for the Insane, at Elgin. Approved May 18, 1877. In force July 1, 1877. 25

HOSPITAL FOR THE INSANE, SOUTHERN:

An act making appropriations for the ordinary and other expenses of the Illinois Southern Hospital for the Insane, at Anna. Approved May 17, 1877. In force July 1, 1877. 26

COMPLETION OF THE LINCOLN MONUMENT:

An act making an appropriation for the completion of the Lincoln Monument, at Springfield, Illinois. Approved May 21, 1877. In force July 1, 1877..... 27

NORMAL UNIVERSITY, NORMAL:

An act making an appropriation for the ordinary expenses of the Normal University, at Normal, and for repairs to the same, and for additions to the library, museum and apparatus thereof. Approved May 18, 1877. In force July 1, 1877..... 27

NORMAL UNIVERSITY—SOUTHERN:

An act making appropriations to the Southern Normal University at Carbondale. Approved May 15, 1877. In force July 1, 1877..... 28

NORMAL UNIVERSITY—SOUTHERN:

An act making an appropriation to introduce steam-heating Apparatus into the building of the Southern Illinois Normal University, at Carbondale. Approved May 21, 1877. In force July 1, 1877. 29

APPROPRIATIONS—CONTINUED.

PAGE.

PENITENTIARY—NORTHERN.

An act making an appropriation for the Illinois State Penitentiary. Approved and in force May 17, 1877..... 30

PENITENTIARY—SOUTHERN:

An act to locate, construct and carry on the Southern Illinois Penitentiary. Approved May 24, 1877. In force July 1st, 1877..... 30

REFORM SCHOOL:

An act making appropriations for the State Reform School at Pontiac. Approved May 18, 1877. In force July 1, 1877..... 35

ILLINOIS SOLDIERS' ORPHANS' HOME:

An act to make appropriations for the Illinois Soldiers' Orphans' Home, and to maintain said Institution for the next two years. Approved May 17, 1877. In force July 1, 1877..... 36

IMPROVEMENT OF OUTLET OF SPRING LAKE:

An act to appropriate money for the improvement of an outlet from Spring Lake to the Illinois River. Approved May 17, 1877. In force July 1, 1877..... 37

INCIDENTAL EXPENSES OF THE THIRTIETH GENERAL ASSEMBLY:

An act to provide for the payment of the incidental expenses of the Thirtieth General Assembly which have accrued and will accrue prior to July 1, 1877. Approved and in force April 27, 1877..... 37

EXPENSES OF GOVERNMENT, ETC.:

An act to provide for the necessary expenses of the State Government and the General Assembly incurred or to be incurred, and now unprovided for, until the 30th day of June, 1877. Approved and in force May 16, 1877..... 38

PAY OFFICERS OF GENERAL ASSEMBLY, ETC.:

An act making an appropriation for the payment of the officers and members of the next General Assembly, and for the salaries of the officers of the State Government. Approved May 22, 1877. In force July 1, 1877..... 39

ORDINARY AND CONTINGENT EXPENSES OF THE GOVERNMENT:

An act to provide for the ordinary and contingent expenses of the State Government until the expiration of the first fiscal quarter after the adjournment of the next regular session of the General Assembly, and for the purpose of suspending the salaries of the State House Commissioners from July 1, A. D. 1877, until provision is made for funds to complete the State House building. Approved May 24, 1877. In force July 1, 1877..... 40

COMPLETION AND FURNISHING STATE HOUSE:

An act to provide means for the completion and furnishing the State House, and for the improvement of the grounds, and to suspend the payment of the salaries of the State House Commissioners; to provide for the safe-keeping of the records of their office, and to regulate the pay and employment of employes by such Commissioners. Approved May 18, 1877. In force July 1, 1877..... 46

PURCHASE FOUR ACRES SOUTH OF STATE HOUSE:

An act to secure to the State of Illinois four acres of additional grounds lying south of and adjoining the new Capitol grounds. Approved May 21, 1877. In force July 1, 1877..... 47

REIMBURSE WILLIAMSON AND JACKSON COUNTIES:

An act to reimburse the counties of Williamson and Jackson for amounts expended by said counties in suppressing an insurrection against the laws of this State, known as the Williamson County Vendetta. Approved May 18, 1877. In force July 1, 1877..... 50

CEMETERIES:

An act to amend an act entitled "An act to enable cities and villages to establish and regulate cemeteries," approved March 24th, 1874. Approved May 25, 1877. In force July 1, 1877..... 51

CHARITABLE INSTITUTIONS:

ADMISSION OF PATIENTS INTO THE HOSPITAL FOR THE INSANE:

An act to secure equality among the counties in the matter of the admission of patients into the State Hospitals for the Insane, and to provide for settlement with such hospitals by the counties. Approved May 25, 1877. In force July 1, 1877..... 51

CITIES, VILLAGES AND TOWNS:

OF THE ORGANIZATION OF CITIES:

An act to amend an act entitled "An act to provide for the incorporation of Cities and Villages," approved April 10, 1872. Approved May 25, 1877. In force July 1, 1877..... 53

CITIES, VILLAGES AND TOWNS—CONTINUED.

PAGE.

ELECTION OF OFFICERS:

- An act to amend section one of article four of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872. Approved and in force March 9, 1877..... 54
- An act to amend an act entitled "An act to provide for the incorporation of Cities and Villages," approved April 10, 1872 In force July 1, 1872. Approved and in force March 26, 1877..... 54
- An act to repeal an act incorporating the town of Macedonia. Approved April 11, 1877. In force July 1, 1877..... 55

SURPLUS FUND OR TAX:

- An act to prohibit any city, town or village in this State from receiving from the County Treasury a greater proportion of the surplus fund or tax, than shall be received by any other city, town or village within the same county. Approved May 4, 1877, and in force July 1, 1877..... 55

ASSESSMENT, LEVY AND COLLECTION OF BACK TAXES:

- An act in regard to the assessment, levy and collection of the taxes of incorporated cities in this State, for years prior to the year 1877. Approved May 5, 1877. In force July 1, 1877 56

WATER TAXES, RATES OR ASSESSMENTS:

- An act to provide for the collection of water taxes, rates or assessments heretofore levied in certain cities. Approved May 21, 1877. In force July 1, 1877..... 60

ASSESSMENT AND COLLECTION OF MUNICIPAL TAXES:

- An act in regard to the assessment and collection of municipal taxes. Approved May 23, 1877. In force July 1, 1877..... 61

FERRIES AND BRIDGES:

- An act to enable cities and villages incorporated under any general or special law of this State, to acquire by purchase, lease or gift, establish, maintain, license and regulate ferries, bridges, the approaches thereto and tolls thereon. Approved May 22, 1877. In force July 1, 1877..... 61

POLICE AND FIREMEN'S RELIEF FUND:

- An act for the relief of disabled members of the police and fire departments in cities and villages. Approved May 24, 1877. In force July 1st, 1877..... 62

COMMISSION OF CLAIMS:

- An act to create a commission of claims, and to prescribe its powers and duties. Approved May 29, 1877. In force July 1, 1877..... 64

CONVEYANCES:

- An act to amend the law of real property. Approved April 13, 1877. In force July 1, 1877..... 65

CORPORATIONS:

SUITS AGAINST STOCKHOLDERS:

- An act to amend section twenty-five (25) of an act entitled "An act concerning corporations," approved April 18, 1872. Approved May 22, 1877. In force July 1, 1877..... 66

CHANGING NUMBER OF DIRECTORS:

- An act authorizing the changing of the number of Directors of Incorporated Companies in certain cases. Approved and in force May 22, 1877..... 67

COUNTIES:

REMOVAL OF OBSTRUCTIONS FROM WATER COURSES:

- An act authorizing County boards to remove driftwood and other obstructions from water courses. Approved May 11, 1877. In force July 1, 1877..... 68

COURTS:

APPELLATE COURTS:

- An act to establish Appellate Courts. Approved June 2, 1877. In force July 1, 1877..... 69

JUDICIAL CIRCUITS:

- An act to divide the State of Illinois, exclusive of the county of Cook, into Judicial Circuits. Approved June 2, 1877. In force July 1, 1877..... 73

SUPREME COURT REPORTS:

- An act to regulate the reporting of the decisions of the Supreme Court of this State, to fix the compensation of the reporter, to fix the price of said Reports, to provide for the purchase of certain copies thereof by the State and for their distribution. Approved May 17, 1877. In force July 1, 1867..... 74

COURTS—CONTINUED.

PAGE.

CITY COURTS:

- An act to amend sections five (5), ten (10) and twenty-one (21) of an act entitled "An act in relation to courts of record in cities," approved March 26, 1874. Approved May 21, 1877. In force July 1, 1877..... 75

COUNTY COURTS:

- An act to amend sections seven (7) and one hundred and twenty-three (123) of an act entitled "An act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March 26, 1874. Approved May 21, 1877. In force July 1, 1877..... 77

- An act to amend sections eighteen (18), twenty-four (24), thirty-three (33), thirty-seven (37), forty-three (43), forty-eight (48), fifty-nine (59), sixty-five (65), seventy-four (74), eighty-one (81), eighty-four (84), eighty-five (85), ninety-two (92), one hundred (100), one hundred and one (101), one hundred and five (105), one hundred and seven (107), and one hundred and sixty-three (163) of an act entitled "An act to extend the jurisdiction of County Courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March 26th, 1874. In force July 1st, 1874. Approved May 22, 1877. In force July 1, 1877..... 78

- An act to amend section eighty-four (84) of an act entitled "An act to extend the jurisdiction of County Courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March 26th, 1874. In force July 1st, 1874. Approved May 22, 1877. In force July 1, 1877,..... 79

- An act to amend section twenty-one (21) of an act entitled "An act to extend the jurisdiction of County Courts and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March 26, 1874.. Approved May 22, 1877. In force July 1, 1877..... 79

PROBATE COURTS:

- An act to establish Probate Courts in all counties having a population of one hundred thousand, or more, to define the jurisdiction thereof, and regulate the practice therein, and to fix the time for holding the same. Approved April 27, and in force July 1, 1877, 79

THE RECORDER'S COURT IN THE CITY OF EL PASO:

- An act to repeal an act entitled "An act to establish a Recorder's Court in the city of El Paso," approved March 6th, 1869, and to repeal an act entitled "An act supplemental to an act entitled 'An act to establish a Recorder's Court in the city of El Paso,' approved March 6th, 1869, and to provide for the turning over to the Circuit Court of Woodford county of the records, books, dockets, files and papers of the said Recorder's Court of the city of El Paso, and to authorize and empower the Circuit Court of Woodford county to make all orders necessary to carry into effect all judgments, orders and decrees of said Recorder's Court, and to authorize the Clerk of the Circuit Court of Woodford county to issue all necessary process to carry into effect all unsatisfied judgments and decrees of said Recorder's Court. Approved and in force March 26, 1877..... 84

CRIMINAL CODE:

BURGLARY:

- An act to amend section thirty-six (36), of an act entitled "An act to revise the law in relation to criminal jurisprudence," approved March 27, 1874. Approved April 10, 1877. In force July 1, 1877..... 85

LARCENY:

- An act to amend section number 168 of an act entitled "An act to revise the law in relation to criminal jurisprudence," approved March 27, 1874. Approved April 10, 1877. In force July 1, 1877..... 85

MALICIOUS MISCHIEF:

- An act to amend an act entitled "An act to revise the law in relation to criminal jurisprudence," approved March 21, 1874. Approved May 23, 1877, In force July 1, 1877..... 86

TAKING ILLEGAL FEES:

- An act to amend section 213 of an act entitled "An act to revise the law in relation to criminal jurisprudence," approved March 27, 1874. Approved May 25, 1877, In force July 1, 1877..... 87

VAGABONDS:

- An act to amend an act entitled "An act to revise the law in relation to criminal jurisprudence," approved March 27, 1874. Approved April 27, 1877. In force July 1, 1877..... 87

WITNESSES:

- An act to amend section 272 of division one (1) of an act entitled "An act to revise the law in relation to criminal jurisprudence," approved March 27, 1874. Approved May 22, 1877. In force July 1, 1877..... 89

CHILDREN:	PAGE,
TO PREVENT AND PUNISH WRONGS TO CHILDREN :	
An act to prevent and punish wrongs to children. Approved May 17, 1877. In force July 1, 1877.....	90
COLORING GRAIN :	
An act to prevent frauds in the coloring of grain. Approved May 25, 1877. In force July 1, 1877.....	91
CONSPIRACY :	
An act to define and punish Conspiracies in the State of Illinois. Approved April 19, 1877. In force July 1, 1877.....	92
EXTRAVAGANCE IN EXPENDITURE OF MONEY ON PUBLIC WORKS :	
An act to punish fraud or extravagance in the expenditure of moneys appropriated for Public Improvements. Approved May 28, 1877. In force July 1, 1877.....	92
DESCENT :	
An act to amend section one (1) of an act entitled "An act in regard to the descent of property," approved April 9, 1872. In force July 1, 1872. Approved May 25, 1877. In force July 1, 1877.....	93
DIVORCES :	
An act to Punish the Offense of Advertising for Divorces. Approved April 12, 1877. In force July 1, 1877.....	95
DRAINAGE :	
An act to protect by levee, lands subject to overflow, and for draining wet or swamp land and coal mines. Approved May 16, 1877. In force July 1, 1877.....	95
DRAM-SHOPS :	
An act to amend section two (2) and six (6) of "An act to provide for the licensing of, and against the evils arising from the sale of intoxicating liquors," approved March 30, 1874. Approved May 18, 1877. In force July 1, 1877.....	99
ELECTIONS.	
An act to amend section 68, of an act in regard to elections, and to provide for filling vacancies in elective offices, approved April 3, 1872. Approved May 24, 1877. In force July 1, 1877.....	100
An act to repeal an act entitled, "An act to fix the place of holding elections in the town of Silver Creek, in the county of Stephenson," approved Feb. 19, 1867. Approved May 25, 1877. In force July 1, 1877.....	100
EVIDENCE AND DEPOSITIONS:	
An act to amend section twenty-two (22), of "An act in regard to Evidence and Depositions in Civil Cases," approved March 29, 1872. Approved May 21, 1877. In force July 1, 1877.....	101
EXEMPTIONS:	
An act to exempt certain personal property from attachment and sale on execution, and from distress for rent. Approved May 24, 1877. In force July 1, 1877.....	101
FEES AND SALARIES:	
An act to amend section five (5) of an act entitled "An act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872. In force July 1, 1872. Approved May 11, 1877. In force July 1, 1877.....	103
MASTERS IN CHANCERY :	
An act to amend section twenty (20) of an act entitled "An act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, title as amended by act approved March 28, 1874. Approved May 25, 1877. In force July 1, 1877.....	104
FEES OF COUNTY COLLECTORS :	
An act to amend section twenty-one (21) of an act entitled "An act concerning fees and salaries, and to classify the several counties of this State with reference thereto," as amended by act, approved March 28, 1872. Approved May 22, 1877. In force July 1, 1877.....	105
FEES AND COMPENSATION OF CLERKS OF COURTS OF RECORD, EXCEPT IN PROBATE MATTERS —IN COUNTIES OF THE THIRD CLASS.	
An act to amend section thirty-three (33) of an act entitled "An act concerning fees and salaries, and to classify the several counties of the State with reference thereto," approved March 29, 1872. Title as amended by act approved March 28, 1874. Approved May 21, 1877. In force July 1, 1877.....	105

FEES AND SALARIES—CONTINUED.

PAGE.

FEES OF CONSTABLES :

An act to amend section forty-one (41) of an act entitled "An act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, title as amended by act approved March 28, 1874. Approved and in force May 17, 1877..... 107

FISCAL YEAR :

An act to amend section two (2) of an act entitled "An act to change the fiscal year of the State and designate the time reports shall be made to the Governor by the Secretary of State, Auditor of Public Accounts, State Treasurer, Adjutant General, State Entomologist, Commissioners of the Penitentiary, Trustees of the Industrial University, the Trustees of the Normal Universities, the State Board of Agriculture, the Trustees of the Reform School, the Board of Public Charities and the Trustees of the State Charitable Institutions," approved March 29, 1875. Approved and in force May 25, 1877..... 108

FORCIBLE ENTRY AND DETAINER :

An act to amend sections 18 and 20 of an act entitled "An act in regard to forcible entry and detainer," approved and in force February 16, 1874. Approved May 24, 1877. In force July 1, 1877..... 109

GAME :

An act to amend an act entitled "An act to revise and consolidate the several acts relating to the protection of game, and for the protection of deer, wild fowl and birds, and to repeal certain laws," approved May 3, 1873. In force July 1, 1873. Approved May 14, 1877. In force July 1, 1877..... 110

GENERAL ASSEMBLY :

OFFICERS OF THE GENERAL ASSEMBLY :

An act to provide for the election and appointment of the officers and employees of the General Assembly of the State, and to fix their compensation. Approved May 28, 1877. In force July 1, 1877..... 111

GUARDIAN AND WARD :

An act to amend section seven (7) and twenty-eight (28) of an act entitled "An act in regard to Guardians and Wards," approved April 10, 1872. In force July 1, 1872. Approved May 21, 1877. In force July 1, 1877..... 114

HUSBAND AND WIFE :

ACTION FOR MAINTENANCE AND SUPPORT :

An act in relation to married women. Approved May 17, 1877. In force July 1, 1877..... 115

INSOLVENT DEBTORS :

An act to amend section nine (9) of an act entitled "An act concerning insolvent debtors," approved April 10, 1872. Approved May 18, 1877. In force July 1, 1877..... 116

VOLUNTARY ASSIGNMENTS :

An act concerning voluntary assignments, and conferring jurisdiction therein upon County Courts. Approved May 22, 1877. In force July 1, 1877..... 116

INSURANCE :

FIRE, MARINE AND INLAND NAVIGATION :

An act to amend section 17 of an act entitled "An act to incorporate and to govern fire, marine and inland navigation Insurance Companies doing business in the State of Illinois," approved March 11, 1869. Approved May 21, 1877. In force July 1, 1877..... 120

FIRE, MARINE AND INLAND NAVIGATION :

An act to amend section six (6) of an act entitled "An act to incorporate and govern Fire, Marine and Inland Navigation Insurance Companies doing business in the State of Illinois." Approved May 11, 1877. In force July 1, 1877..... 121

REVOKING CERTIFICATE :

An act to amend an act entitled "An act to incorporate and govern fire, marine and inland navigation insurance companies doing business in the State of Illinois," approved March 11, 1869. Approved May 31, 1877. In force July 1, 1877..... 122

COUNTY FIRE INSURANCE COMPANIES :

An act to organize and regulate County Fire Insurance Companies. Approved June 2, 1877. In force July 1, 1877..... 123

TOWNSHIP COMPANIES :

An act to amend section eleven (11) of "An act to revise the law in relation to Township insurance companies," approved March 24, 1874. Approved May 11, 1877. In force July 1, 1877..... 127

JUSTICES AND CONSTABLES:	PAGE.
PROCEEDINGS ON DEFAULT:	
An act to amend section thirty-four (34) of an act entitled "An act to provide for the Election and Qualification of Justices of the Peace and Constables, and to provide for the Jurisdiction and practice of Justices of the Peace in civil cases, and fix the duties of Constables, and to repeal certain acts therein named," approved April 1, 1872. Approved May 22, 1877. In force July 1, 1877.....	128
WHO MAY PRACTICE BEFORE JUSTICE:	
An act to restrain persons not attorneys to practice before Justices of the Peace. Approved May 23, 1877. In force July 1, 1877.....	128
LANDLORD AND TENANT:	
An act in relation to landlord and tenant. Approved May 21, 1877. In force July 1, 1877.....	129
MARRIAGES:	
An act to amend Section six (6) of an act entitled, "An act to revise the law in relation to marriages," approved Feb. 27, 1874. Approved and in force May 11, 1877.....	129
MILITARY CODE:	
An act to provide for the organization of the State militia, and entitled, "The Military Code of Illinois." Approved May 18, 1877. In force July 1, 1877.....	130
MILLS AND MILLERS:	
REGULATING THE USE OF WATER OR WATER POWER:	
An act to enable any person, persons or corporation owning dams, to regulate the delivery and use of water or water power. Approved May 11, 1877. In force July 1, 1877.....	138
MINERS:	
An act to amend Sections three (3), six (6), seven (7), nine (9) and eleven (11) of an act entitled, "An act providing for the health and safety of persons employed in coal mines," approved March 27, 1872. Approved May 23, 1877. In force July 1, 1877.....	139
OFFICIAL BONDS:	
RELEASE OF SURETIES OF GUARDIANS—CONSERVATORS AND TRUSTEES:	
An act to provide for releasing sureties on the bonds of guardians, conservators of idiots or insane persons, or trustees of any fund or property appointed by any court. Approved May 11, 1877. In force July 1, 1877.....	142
PAUPERS;	
OVERSEERS:	
An act to amend Section eighteen (18) of an act entitled, "An act to revise the law in relation to paupers." Approved May 24, 1877. In force July 1, 1877.....	143
ILLEGAL VOTING BY:	
An act to prevent illegal voting by paupers and others in this State. Approved May 25, 1877. In force July 1, 1877.	144
SEPARATE SUPPORT OF:	
An act to provide for the establishment and maintenance of county poor houses in counties where the separate support of paupers has been adopted. Approved May 23, 1877. In force July 1, 1877.....	144
TUITION OF PAUPER CHILDREN:	
An act requiring county boards to pay for the tuition of pauper children kept in poor houses. Approved May 24, 1877. In force July 1, 1877.....	145
PENITENTIARY:	
An act to confirm and legalize certain acts of the Commissioners of the Illinois State Penitentiary, and to authorize them to sell, and convey certain real estate for the benefit of the State or the Illinois State Penitentiary. Approved May 25 1877. In force July 1, 1877.....	145
PRACTICE:	
SUITS WHERE BROUGHT—SERVICE:	
An act to amend sections two (2) and four (4) of an act entitled "An act in regard to practice in courts of record," approved Feb. 22, 1872. Approved May 29, 1877. In force July 1, 1877.....	146
TRIAL—SEPARATE DOCKETS:	
An act to amend section sixteen (16) of "An act in regard to practice in Courts of Record," approved Feb. 22, 1872. Approved May 22, 1877. In force July 1, 1877.....	147

PRACTICE—CONTINUED.

PAGE.

SCIRE FACIAS:

An act to amend section twenty-six (26) of an act entitled "An act in Regard to Practice in Courts of Record," approved Feb. 22, 1872. Approved May 22, 1877. In force July 1, 1877..... 148.

An act to amend an act entitled "An act in regard to Practice in Courts of Record. Approved February 22, 1872. Approved June 2, 1877. In force July 1st, 1877..... 148.

PRACTICE OF MEDICINE:

An act to regulate the Practice of Medicine in the State of Illinois. Approved May 29, 1877. In force July 1, 1877..... 154.

RAILROAD AND IMPROVEMENT AID BONDS:

An act to amend an act entitled "An act to limit and determine the time for which counties, cities, townships, towns and precincts in this State, shall be liable and holden to issue aid for the building of any railroad in pursuance of any vote taken in conformity to the laws of this State," approved March 17, 1874. Approved May 29th, 1877. In force July 1st, 1877..... 157.

BONDS OF COUNTIES, CITIES AND OTHER MUNICIPAL CORPORATIONS:

An act to amend an act entitled "An act relating to county and city debts, and to provide for the payment thereof by taxation in such counties and cities," approved February 13th, 1865; and to amend the title thereof. Approved and in force April 27, 1877..... 158.

RAILROADS AND WAREHOUSES

INCORPORATION OF RAILROAD COMPANIES:

An act to amend an act entitled "An act to provide for the Incorporation of Associations that may be organized for the purpose of Constructing Railways, maintaining and operating the same, for prescribing and defining the duties and limiting the powers of such corporations when so organized," approved March 1st, 1872. Approved May 11, 1877. In force July 1, 1877..... 163.

An act to amend section one (1) of an act entitled "An act in relation to fencing and operating railroads," approved March 31, 1874. Approved May 20, 1877. In force July 1, 1877..... 164.

FENCING AND OPERATING RAILROADS:

An act entitled "An act to amend section twenty-four (24) of an act in relation to fencing and operating Railroads," approved March 31, 1874. Approved May 20, 1877. In force July 1, 1877..... 165.

RAILROAD DEPOTS:

An act compelling Railroad Companies in this State to build and maintain depots for the comfort of passengers, and for the protection of shippers of freight at towns and villages on the line of their roads. Approved May 23, 1877. In force July 1, 1877..... 165.

TO PROTECT PASSENGERS ON RAILROADS:

An act for the protection of Passengers on Railroads. Approved May 14, 1877. In force July 1, 1877..... 166.

TO FACILITATE THE CARRIAGE AND TRANSFER OF PASSENGERS, ETC:

An act to facilitate the carriage and transfer of passengers and property by railroad companies. Approved May 24, 1877. In force July 1, 1877..... 167.

OBSTRUCTING BUSINESS OF:

An act to prohibit any person from obstructing the regular operation and conduct of the business of railroad companies or other corporations, firms or individuals. Approved June 2, 1877. In force July 1, 1877..... 167.

RECEIVING, CARRYING AND DELIVERING GRAIN:

An act to amend section two (2) of an act entitled, "An Act regulating the receiving, transportation and delivery of grain by railroad corporations, and defining the duties of such corporations with respect thereto," approved April 25, 1871. Approved May 18, 1877. In force July 1, 1877..... 168.

WAREHOUSES:

An act to amend section fifteen (15) of an act entitled "An Act to regulate public warehouses and the warehousing and inspection of grain, and to give effect to Article thirteen of the Constitution of this State," approved April 25, 1871. Approved May 21, 1877. In force July 1, 1877..... 169.

REVENUE:

FOR STATE PURPOSES

An act to provide the necessary revenue for State purposes, approved May 25, 1877. In force July 1, 1877..... 170.

REVENUE—CONTINUED.

PAGE.

BRIDGES ON BORDER OF STATE—HOW TAXED :

An act to amend section two (2) of an act entitled "An act to provide for the assessment and taxation of bridges across navigable waters on the borders of this State," approved and in force May 1, 1873. Approved May 3, 1877. In force July 1, 1877..... 171.

MANNER IN WHICH TAXES ARE TO BE COLLECTED :

An act to amend an act entitled "An act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872. Approved May 25, 1877. In force July 1, 1877..... 171

RETURN AS TO REAL ESTATE TAX :

An act to amend section 172 of an act entitled "An act for the assessment of property, and for the levy and collection of taxes," approved March 30, 1872. Approved May 25, 1877. In force July 1, 1877..... 172

COUNTY COLLECTOR'S POWERS, ETC. :

An act to amend section one hundred and eighty-one (181) of an act entitled "An act for the assessment of property, and for the levy and collection of taxes," approved March 30, 1872. Approved May 21, 1877. In force July 1, 1877..... 173

APPEALS—DEPOSIT TO BE MADE BEFORE APPEAL GRANTED :

An act to amend section one hundred and ninety-two (192) of an act entitled "An act for the assessment of property, and for the levy and collection of taxes," approved March 30, 1872, and to amend an act entitled "An act to amend sections one hundred and ninety-two (192), and one hundred and ninety-three (193)," of an act entitled "An act for the assessment of property, and for the levy and collection of taxes," approved March 30, 1872, approved April 15, 1875. Approved May 25, 1877. In force July 1, 1877. 174

PROCEEDINGS IN APPEAL CASES :

An act to amend section one hundred and ninety-three (193) of an act entitled "An act for the assessment of property, and for the levy and collection of taxes," approved March 30, 1872. Approved and in force May 17, 1877..... 175

CURING IRREGULARITIES IN ASSESSMENTS—EQUALIZATION :

An act to correct irregularities in assessment of property for taxation and in the equalization of assessments for such purposes. Approved and in force May 29, 1877..... 177

ROADS AND BRIDGES :

An act in regard to roads and bridges in counties under township organization. Approved May 23, 1877. In force July 1, 1877..... 178

PRIVATE ROADS AND CARTWAYS :

An act to amend Section sixteen (16) of an act in regard to gateways, roads and bridges in counties not under township organization, approved and in force April 18, 1873. Approved May 25, 1877. In force July 1, 1877..... 197

ROAD LABOR, ETC. :

An act to amend section thirty-seven (37) of an act entitled, "An act in regard to gateways, roads and bridges in counties not under township organization, approved and in force April 18, 1873. Approved and in force May 24, 1877..... 199

SCHOOLS :

An act to amend Sections twenty-four (24) and thirty-three (33) of an act entitled, "An act to establish a system of free schools," approved April 1st, 1872. Approved May 23, 1877. In force July 1, 1877..... 200

LEGALIZING SCHOOL DISTRICTS :

An act to legalize school districts organized under the thirty-third (33d) section of "An act to establish and maintain a system of free schools," approved April 1st, 1872. Approved May 25, 1877. In force July 1, 1877..... 203

BORROWING MONEY :

An act to amend Section forty-seven (47) of [an act entitled] "An act to establish and maintain a system of free schools," approved April 1st, 1872. Approved May 11, 1877. In force July 1, 1877..... 204

RENTING AND SALE OF SCHOOL LANDS :

An act regulating the renting and sale of school lands. Approved May 25, 1877. In force July 1, 1877..... 205

REPEALING ACTS :

An act to repeal an act entitled "An act to change the boundaries of School District Number three (3), in township two (2), north range ten (10) west, in St. Clair county," approved and in force February 16, 1865. Approved April 11, 1877. In force July 1, 1877.. 205

SECRETARY OF STATE:	PAGE.
CERTIFIED COPIES OF LOST OR MISSING PAPERS:	
An act to supply certain lost and missing papers in the State Archives, and to legalize certified copies thereof. Approved May 17, 1877. In force July 1, 1877.....	206
STATE CONTRACTS:	
RATES OF ADVERTISING BY THE STATE:	
An act fixing the rates of advertising by the State, and providing for the payment of the same. Approved May 21, 1877. In force July 1, 1877.....	206
ADVERTISING FOR PROPOSALS:	
An act to amend section three (3), of an act to revise the law in relation to State contracts, approved March 31, 1874, in force July 1, 1874. Approved May 22, 1877. In force July 1, 1877.....	207
STATE BOARD OF HEALTH:	
An act to create and establish a Board of Health in the State of Illinois. Approved May 28, 1877. In force July 1, 1877.....	208
STATE TREASURER:	
An act to provide security for Bonds in the State Treasury. Approved May 25, 1877. In force July 1, 1877.....	210
TOLL ROADS:	
An act to amend sections six (6), seven (7), nine (9) and twenty-six (26), of an act entitled "An act to revise the law in relation to Toll Roads," approved March 25, 1874, and to repeal section eight (8) of said act. Approved May 11, 1877. In force July 1, 1877.....	211
TOWNSHIP ORGANIZATION:	
ORGANIZATION OF TOWNS BY COUNTY BOARDS:	
An act to authorize County Boards in Counties under Township Organization to organize certain territory situated therein as a town. Approved May 23, 1877. In force July 1, 1877.....	212
ELECTIONS:	
An act to amend Section Seven of Article Seven of an act entitled "An act to revise the law in relation to Township organization," approved and in force March 4, 1874. Approved and in force March 9, 1877.....	213
COMMISSIONERS OF HIGHWAYS:	
An act to amend section three (3) of an act entitled "An act to provide for the election of Commissioners of Highways in counties under township organization, and to legalize the election and official acts of such as were elected in the year 1874 and 1875, and to fix the compensation of the Treasurer of such Commissioners," approved April 15, 1875. Approved May 11, 1877. In force July 1, 1877.....	215
UNIVERSITIES, COLLEGES, ACADEMIES, ETC.:	
INDUSTRIAL UNIVERSITY:	
An act to amend section seven (7) of an act entitled "An act to regulate the Illinois Industrial University, and to make appropriations therefor." Approved May 7, 1873. Approved and in force April 17, 1877.....	215
INDUSTRIAL UNIVERSITY:	
An act to amend section ten (10) of an act entitled an "An act to provide for the organization and maintenance of the Illinois Industrial University," approved February 28, 1867. Approved May 11, 1877. In force July 1, 1877.....	216
WOLF SCALPS:	
An act authorizing counties to give a bounty on wolf scalps. Approved May 18, 1877. In force July 1, 1877.....	217
JOINT RESOLUTIONS:	
Adjournment.....	218
Adjournment.....	218
Agricultural College.....	218
Amendment to Constitution	218
Art Gallery	219
Chaplains	219
Committees	219
Damages caused by Dams	220
Fish-ways	221
Inauguration	221

JOINT RESOLUTIONS—CONTINUED.

PAGE.

Inauguration	221
Joint Rules	221
Levees—Lower Mississippi.....	221
Mississippi Valley.....	222
Pay of Members.....	223
Patents.....	223
Park Commissioners.....	224
Penitentiary Commission.....	225
Pension to Soldiers	226
Silver Dollar.....	226
State Officers.....	227
Swamp Lands.....	227
Union Stock Yards.....	227
United States Senator.....	228
Vandalia Lots	228

PUBLIC LAWS OF ILLINOIS.

ADMINISTRATION OF ESTATES.

§ 69. Notice of adjustment—Adjustment—Claims against estates.

AN ACT to amend section sixty (60) of an act entitled "*An act in regard to the administration of estates.*" Approved April 1, 1872. Approved May 21, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* section sixty (60) of an act entitled "*An act in regard to the administration of estates.*" approved April 1, 1872, be and the same is hereby amended so as to read as follows :

§ 60. [NOTICE—ADJUSTMENT.] Every administrator or executor shall fix upon a term of the court, within six months from the time of his being qualified as such administrator or executor, for the adjustment of all claims against such decedent, and shall publish a notice thereof for three successive weeks in some public newspaper published in the county, or if no newspaper is published in the county, then in the nearest newspaper in this State, and also by putting up a written or printed notice on the door of the court house, and in five other of the most public places in the county, notifying and requesting all persons having claims against such estate, to attend at said term of court for the purpose of having the same adjusted, (the first publication of said notice to be given at least six weeks previous to said term), when and where such claimant shall produce his claim in writing; and if no objection is made to said claim, by the executor, administrator, widow, heirs or others interested in said estate, and the claimant swears, that such claim is just and unpaid, after allowing all just credits, the court may allow such claim without further evidence, but if objection is made to such claim, the same shall not be allowed without other sufficient evidence. The court may allow either party further time to produce evidence in his favor, and the case shall be tried and determined as other suits at law. Either party may demand a jury of either six or twelve men to try the issue, and it shall be the duty of the County Clerk, when a jury is demanded, to issue a *venire* to the Sheriff of the county to summon a jury, to be composed of the number demanded.

APPROVED May 21, 1877.

ADMINISTRATORS AND EXECUTORS.

UNCLAIMED MONEY IN THE HANDS OF ADMINISTRATORS AND EXECUTORS.

§ 1. Disposition of.

| § 2. How parties may obtain the same.

AN ACT to provide for the disposal of unclaimed moneys in the hands of Administrators and Executors. Approved May 12, 1877. In force July 1, 1877.

SECTION 1. [UNCLAIMED MONEY TO BE DEPOSITED.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That when any administrator or executor shall have made final settlement with the County Court, it shall be the duty of the Court to order said administrator or executor to deposit with the County Treasurer such moneys as he may have belonging to any non-resident or unknown heir or claimant, taking his receipt therefor and have the same filed at the office of the County Clerk where such settlement has been made.

§ 2. [HOW OBTAINED AFTER DEPOSITED.] When money shall be deposited as aforesaid, the person or persons entitled to the same may at any time apply to the Court making said order and obtain the same upon making satisfactory proof to the Court of his, her or their right thereto.

APPROVED May 12, 1877.

AGRICULTURE AND HORTICULTURE.

AGRICULTURE. ●

§ 1. Board to make report.
§ 2. Report limited.

| § 3. Repeal.
| § 4. Emergency.

AN ACT in relation to the State Board of Agriculture. Approved and in force May 25, 1877.

SECTION 1. [REPORT.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the State Board of Agriculture shall, immediately after their annual meeting in January in each year, make and deliver to the Governor a report of their acts and doings as required by law, and no other annual report shall be made by such Board.

§ 2. [REPORT LIMITED.] Said State Board of Agriculture may append to and publish with their said report, the annual report of the State Entomologist and such any essay or essays, connected with Agriculture, Horticulture, Manufactures and the domestic arts that in the judgment of the Executive Committee of said Board the interests of the State require; said report and appended essays not to exceed seven hundred printed pages.

§ 3. [REPEAL.] All acts and parts of acts inconsistent with the

provisions of this act, so far as the same relate to the State Board of Agriculture are hereby repealed.

§ 4. [EMERGENCY.] It is hereby declared that an emergency exists, and therefore this act shall be in force from and after its passage.

APPROVED May 25, 1877.

COLLECTION AND PUBLICATION OF AGRICULTURAL AND OTHER STATISTICS.

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| <p>1. Blanks and schedules.
2. How schedules to be filled and returned.
3. Duty of officers.</p> | <p>4. Statistical returns—How made.
5. Emergency.</p> |
|--|---|

AN ACT to secure the Collection and Publication of Agricultural and other Statistics. Approved and in force May 25, 1877.

SECTION 1. [BLANKS AND SCHEDULES.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That it shall be the duty of the Secretary of the State Board of Agriculture to prepare and deliver to the Auditor on or before the first day of April in each year, forms of blanks and schedules similar to those used in the assessment and return of property, one or more copies of which forms the State Auditor shall send by mail to the County Clerks of the several counties on or before the date aforesaid for their information and guidance.*

§ 2. [HOW SCHEDULES TO BE FILLED AND RETURNED.] It shall be the duty of the County Clerk of each of the several counties to provide schedules and blanks according to the forms provided by the Auditor for the use of Assessors, and it shall be the duty of Assessors and Deputy Assessors in the same manner, and at the same time as is or may be provided by law for the assessment of property, to cause such census schedules to be filled by all persons within their respective assessment districts in possession of property concerning which information is required by this act. Such schedule shall truly and distinctly set forth the number of acres he, she or they may have had the preceding year in fall wheat, spring wheat, corn, rye, oats, barley, buckwheat, castor beans, beans, peas, Irish potatoes, sweet potatoes, turnips and other root crops, and the number of bushels of each produced the preceding year; the number of acres in timothy grass, and the number of tons of hay and bushels of seed produced therefrom the preceding year; the number of acres in clover, and the number of tons of hay and the bushels of seed produced therefrom the preceding year; the number of acres planted in cotton, and the number of pounds of lint and the bushels of seed obtained therefrom the preceding year; the number of acres sown in flax, the number of pounds of fibre and the bushels of seed obtained therefrom the preceding year; the number of acres planted in tobacco, and the number of pounds produced therefrom the preceding year. And the Secretary of the State Board of Agriculture shall have power, after the first year, to add to or omit from the foregoing schedule such items as the said State Board of Agriculture shall designate.

§ 3. [DUTY OF OFFICERS.] It shall be the duty of all persons owning or in possession of property concerning which information is re-

quired by this act, to make out and deliver to the Assessor at the time fixed for the listing of property for taxation a schedule as aforesaid properly and correctly filled, and it shall be the duty of said Assessors or Deputy Assessors to properly fill and add up the blanks and schedules aforesaid and to return the same correctly footed up, to the County Clerk at the same time and in the same manner as is now or may be required for the return of assessments.

§ 4. [STATISTICAL RETURNS.] It shall be the duty of the County Clerk to revise, correct, tabulate and foot up the statistical returns made to him by the Assessors or Deputy Assessors of organized townships in counties under township organization, and of congressional townships in counties not under township organization, and to transmit to the State Auditor with his return of the assessment of the county an abstract of the agricultural statistics of the county in the form required by the schedule and blanks furnished by the Auditor; and it shall be the duty of the Auditor to transfer without delay such abstracts to the Secretary of the State Board of Agriculture, who shall revise, correct, and compile the same, and publish the results in the annual report of the transactions of the State Board of Agriculture for the year or years in which the statistics were collected.

§ 5. [EMERGENCY.] It is hereby declared that an emergency exists, and therefore this act shall be in force from and after its passage.

APPROVED May 25, 1877.

AMENDMENTS TO THE CONSTITUTION.

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| § 1. How amendments may be proposed.
§ 2. Publication of amendments.
§ 3. Notice of election for submission of amendments.
§ 4. What shall be written on ballot. | § 5. Canvass and return of ballots.
§ 6. Canvassers—abstract of vote.
§ 7. How and by whom result of election declared.
§ 8. Amendments to be enrolled. |
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AN ACT to provide the manner of proposing amendments to the Constitution, and submitting the same to the electors of this State. Approved March 14, 1877. In force July 1, 1877.

SECTION 1. [HOW AMENDMENTS MAY BE PROPOSED]. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That amendments to the constitution of this State may be proposed by joint resolution in either house of the General Assembly, and if the same shall be voted for by two-thirds of all the members elected to each of the two houses in the manner provided by section two of article fourteen of the constitution, the amendment or amendments proposed shall be submitted to the electors of this State for adoption or rejection in the manner hereinafter provided.

§ 2. [PUBLICATION OF AMENDMENTS.] Such amendment or amendments shall be published in full by the Secretary of State in at least two newspapers at the seat of Government. Such publication shall be made at least three months before the next election of members of the General Assembly ensuing the passage of said proposed

amendment, with notice prefixed thereto that at said election said proposed amendment or amendments will be submitted to the electors of this State for adoption or rejection.

§ 3. [NOTICE OF ELECTION FOR SUBMISSION OF AMENDMENTS.] The County Clerks of the respective counties of this State shall with the election notices of the next succeeding election of members of the General Assembly ensuing the adoption of said proposed amendment or amendments, and in the manner required by law for notices of general elections give notice that at such election said proposed amendment or amendments will be submitted to the electors of this State for adoption or rejection, which notices shall set forth in full such proposed amendment or amendments.

§ 4. [WHAT SHALL BE WRITTEN ON BALLOT.] At such election, on the ballot of each elector voting upon the proposed amendment or amendments shall be written or printed the word: "For proposed amendment to section———of article———of the constitution," or "Against the proposed amendment to section———of article———of the constitution."

§ 5. [CANVASS AND RETURN OF BALLOTS.] The ballots cast for and against the proposed amendment or amendments to the constitution shall be by the Judges and Clerks of such election received, canvassed and returned to the County Clerks of their respective counties, at the same time and in the same manner as the ballots cast at said election for members of the General Assembly are by law required to be received, canvassed and returned to said Clerks.

§ 6. [CANVASSERS—ABSTRACT OF VOTE.] The County Clerks of the counties respectively, with the assistance of two Justices of the Peace of the county, shall at the time he opens the returns and makes abstracts of the votes cast at such elections for officers, also make abstracts in duplicate of the votes cast for and against such proposed amendment or amendments to the constitution. And immediately after the completion of said abstracts the County Clerk shall enclose one of the same in a sealed envelope and endorse thereon the words "Abstract of votes for and against amendment of the Constitution," and address and mail the same to the Secretary of State, and shall file the other of said abstracts in his office.

§ 7. [HOW AND BY WHOM RESULT OF ELECTION DECLARED.] The Secretary of State, Auditor, Treasurer and Attorney-General, or any two of them, in the presence of the Governor shall proceed, within twenty days after the election and sooner if all the returns are received, to canvass the votes given for and against said amendment or amendments, as shown by said abstracts, and if it appears that a majority of the electors voting at said election have voted for the proposed amendment or amendments, the same shall by said Board of Canvassers be declared adopted, and from thence become a part of the constitution of this State, and the Governor shall cause proclamation to be made of the result of the vote, and that said amendment has become a part of the constitution, by publication in at least two newspapers published at the seat of government; but if it shall appear that a majority of the votes polled are against said amendment or amendments, the same shall be null and void.

§ 8. [AMENDMENTS TO BE ENROLLED.] Whenever any amendments to the constitution shall have been proposed to, and adopted by the electors of this State in the manner provided by this act, the same shall be enrolled and numbered in the order of time in which they may be adopted, and preserved by the Secretary of State among the records of his office.

APPROVED March 14, 1877.

ANIMALS.

§ 1. Certain Animals and Birds Personal Property.

AN ACT declaring certain Animals and Birds *feræ naturæ*, to be Personal Property. Approved April 10, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all birds and animals *feræ naturæ*, or naturally wild, when raised or in domestication, or kept in enclosures and reduced to possession, are hereby declared to be objects of ownership and absolute title, the same as cattle and other property, and shall receive the same protection of law, and in the same way, and to the same extent shall be the subject of trespass or larceny, as other personal property.

APPROVED April 10, 1877.

ENFORCEMENT OF THE LAW TO PREVENT CRUELTY TO ANIMALS.

§ 1. Governor to appoint two officers.

§ 2. Salary.

§ 3. Report.

§ 4. Duty of officers.

AN ACT to secure the enforcement of the law for prevention of cruelty to animals. Approved May 25, 1877. In force July 1, 1877.

SECTION 1. [GOVERNOR TO APPOINT OFFICERS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it is hereby made the duty of the Governor, to appoint by and with the consent of the Senate, one officer for the town of Lake, Cook County, and one officer for East St. Louis, St. Clair County, whose term of office shall be two years and until their successors are appointed, and whose duty it shall be to cause the enforcement of the law for the prevention of cruelty to animals.

§ 2. [SALARY.] The salary of said officers shall be not exceeding twelve (1,200) hundred dollars each per annum, payable quarterly from any money in the Treasury not otherwise appropriated.

§ 3. [REPORT.] Said officers shall make full reports of their proceedings quarterly to the Governor.

§ 4. [DUTY OF OFFICERS.] It shall be the further duty of said officers to see that stock in the stock-yards are properly fed and cared for, and that such stock receive the full amount of feed for which the owner or shipper is charged.

APPROVED May 25, 1877.

APPROPRIATIONS.

AGRICULTURAL BOARD.

§ 1. Appropriations for 1877 and 1878.
 § 2. When and how drawn.

§ 3. Treasurer—County Bonds.

AN ACT *making an appropriation for the State Board of Agriculture, and the County and other subordinate Boards of Agriculture. Approved May 21, 1877. In force July 1, 1877.*

SECTION 1. [APPROPRIATIONS FOR 1877 AND 1878.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* there be and is hereby appropriated to the State Board of Agriculture, the sums following, to-wit: For the payment of premiums at the annual State Fair, the sum of three thousand dollars per annum, for the years 1877 and 1878; and for the use of county or other subordinate agricultural boards, the sum of one hundred dollars per annum each, for the years 1877 and 1878. For the salary of the Secretary, the sum of two thousand dollars per annum, for the years 1877 and 1878. For the expense of collecting and publishing monthly crop statistics, the sum of one thousand dollars per annum, for the years 1877 and 1878. For the purchase of books, maps and charts, the sum of one thousand dollars per annum, for the years 1877 and 1878. For clerk hire, the sum of one thousand dollars per annum, for the years 1877 and 1878. For repairs, postage, expressage and other incidental office expenses the sum of five hundred dollars per annum for the years 1877 and 1878. For porter, the sum of three hundred dollars per annum, for the years 1877 and 1878.

§ 2. [WHEN AND HOW DRAWN.] That on the order of the President, countersigned by the Secretary of the State Board of Agriculture and approved by the Governor, the State Auditor shall draw his warrant upon the Treasurer in favor of the Treasurer of the State Board of Agriculture for the sums herein appropriated: *Provided*, That each warrant shall show the agricultural board for whose benefit the same is drawn, and that no warrant shall be drawn in favor of any agricultural board unless the order aforesaid be accompanied by a certificate of the State Board of Agriculture, showing that such subordinate or county agricultural board have held an agricultural fair during the preceding year, in compliance with the rules and regulations, as provided for by law: *Provided further*, That no part of the moneys herein provided for shall be drawn from the public treasury prior to the first day of July, A. D., 1877.

§ 3. [TREASURER—COUNTY BOARDS.] It shall be the duty of the Treasurer of the State Board of Agriculture to pay over to the proper officer of the subordinate or county agricultural board the sum received for its use and benefit, as aforesaid, and to make a biennial report to the Governor, of all such appropriations received and disbursed by him.

APPROVED May 21, 1877.

FOR THE CLAIM OF BARNARD AND GOWEN.

§ 1. Appropriates \$10,620.00.

AN ACT to pay Barnard and Gowen damages suffered by a failure of the State to furnish cut stone from the State penitentiary, according to its contract. Approved May 17, 1877. In force July 1, 1877.

SECTION 1. [APPROPRIATES \$10,620.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That there be appropriated to Barnard and Gowen, the sum of ten thousand, six hundred and twenty dollars (\$10,620) for damages suffered by them for a breach of the contract of the State with them by reason of a failure of the Commissioners of the State penitentiary to furnish cut stone, and that the same be paid out of any money in the treasury not appropriated otherwise and charged to the account of the penitentiary.*

APPROVED May 17, 1877.

FOR THE INSTITUTION FOR THE BLIND.

§ 1. Appropriates \$29,750 per annum and \$2,332.34. | § 2. When and how drawn.

AN ACT making Appropriations for the Expenses of the Illinois Institution for the Education of the Blind, for the years 1877 and 1878. Approved May 18, 1877. In force July 1, 1877.

SECTION 1. [APPROPRIATES \$29,750 PER ANNUM, AND \$2,332.34.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That there be and are hereby appropriated to the Illinois Institution for the Education of the Blind; for ordinary expenses, the sum of twenty-eight thousand dollars (\$28,000) per annum; and for repairs and improvements, the sum of one thousand two hundred and fifty dollars (\$1,250) per annum; both the foregoing amounts to be payable quarterly in advance, from the first day of July, 1877, to the expiration of the first fiscal quarter after the adjournment of the next General Assembly; and for the purchase of books, maps, and other educational and mechanical appliances, to be distributed gratuitously to such pupils leaving the institution as cannot afford to pay for the same, the sum of five hundred dollars (\$500) per annum: and to enable the Trustees to make a final settlement with the contractors for building and steam heating, the sum of two thousand three hundred and thirty-two dollars and thirty-four cents (\$2,332.34), with 6 per cent. interest from the first day of August, 1874.*

§ 2. [WHEN AND HOW PAID.] The Auditor of Public Accounts is hereby authorized to draw his warrant on the treasury for said sums upon the orders of the Board of Trustees of said institution, signed by the President and attested by the Secretary of said Board of Trustees, with the seal of the institution, subject to the limitations contained and expressed in section eighteen (18), nineteen (19), and twenty (20), of an act to regulate the State Charitable Institutions, approved April 15, 1875.

APPROVED May 18, 1877.

FOR THE ARREST AND CONVICTION OF CRIMINALS IN OTHER STATES.

- § 1. Expenses of the arrest and conviction of criminals for crimes committed upon citizens of this in other States. | § 2. Appropriates \$10,000.

AN ACT to provide for the payment of the expenses of the arrest and conviction of criminals for crimes committed upon citizens of this State, in other States. Approved May 16, 1877. In force July 1, 1877.

SECTION 1. [EXPENSES OF ARREST AND CONVICTION TO BE PAID.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* Whenever any citizen of this State, or any minor child residing with its parents or guardian in this State, shall heretofore have been, or shall hereafter be, by fraudulent pretenses enticed or kidnapped and taken out of this State into any other State, and by such enticer or kidnapper or his confederates murdered, and the relatives or parents or guardian of such person, shall have pursued or shall pursue such criminal and procure his arrest and conviction of such crime under the laws of such other State, the reasonable expense incurred in procuring such arrest and conviction in such other State, shall be paid out of the treasury of this State as follows:

Any person making claim under the provision of this act shall file a statement of the claim with the several items thereof with the Auditor, which claim shall be verified by the oath of the claimant and by record or other satisfactory proof of the conviction of the criminal, and by such other proof as the nature of the case will admit, and such claim and the proofs shall be considered by the Governor, Auditor and Attorney General, who shall examine said claim and proof and may require other proof if they judge necessary; and upon being satisfied that said claim or any of the items thereof was incurred in the prosecution of such criminal in such other State, and was a just and reasonable expense for that purpose, they shall allow the same for such an amount as they judge just and reasonable, and shall so certify to the Auditor who shall thereupon draw his warrant in favor of the claimant on the Treasurer for the amount so allowed: *Provided,* No more than thirty-five hundred dollars (\$3,500) shall be allowed in any one case.

§ 2. [APPROPRIATES \$10,000.] The sum of ten thousand dollars (\$10,000) is hereby appropriated out of the State treasury for the payment of claims allowed under this act, and if any portion of said sum is unexpended at the meeting of the next General Assembly the same shall be covered into the State treasury.

APPROVED May 16, 1877.

FOR COPPERAS CREEK DAM AND LOCK.

- § 1. Appropriates the unexpended balance | § 2. When and how to be drawn.
and \$51,453 18.

AN ACT to make further Appropriations for the Completion of the Copperas Creek Dam and Lock on the Illinois River. Approved May 11. In force July 1, 1877.

WHEREAS, The Legislature of this State, by an act approved April

15, 1873, authorized the construction of a lock and dam on the Illinois River at Copperas Creek, in the county of Fulton, in this State; and

WHEREAS, The completion of said lock and dam will finish and complete one hundred miles of river navigation, and will greatly add to the revenue of the Illinois and Michigan canal; and

WHEREAS, The appropriations heretofore made are not sufficient to complete said lock and dam; therefore,

SECTION 1. [APPROPRIATES UNEXPENDED BALANCE, AND \$51,453.-18.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That there be and is hereby appropriated the unexpended balance of the Illinois River Improvement Fund that may be in the treasury after the first fiscal quarter after the adjournment of the present General Assembly, together with the sum of fifty-one thousand, four hundred and fifty-three and eighteen one hundredths dollars (\$51,453.18) out of the treasury of the State, or so much thereof as may be necessary to complete the lock and dam at Copperas Creek, on the Illinois river, during the year A. D., 1877, to be paid out and expended in the manner provided by the act of April 15, 1873.*

§ 2. [WHEN AND HOW TO BE DRAWN.] No warrant shall be drawn by the Auditor upon the Treasurer for any portion of said sum hereby appropriated for said improvement, except upon vouchers and estimates made for work actually done, certified to by the engineer superintending said improvement, and attested and approved by at least two of the Canal Commissioners, and approved by the Governor.

APPROVED May 11, 1877.

FOR THE INSTITUTION FOR THE DEAF AND DUMB.

§ 1. Appropriates \$17,000.

§ 2. When and how drawn.

AN ACT for the erection of Workshops for the Illinois Institution for the Education of the Deaf and Dumb, and for special repairs on said Institution. Approved May 18, 1877. In force July 1, 1877.

SECTION 1. [APPROPRIATES \$17,000.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That for the purpose of erecting workshops for the Illinois Institution for the Education of the Deaf and Dumb, and for purchase of machinery for the same, the sum of fifteen thousand dollars (\$15,000) be and is hereby appropriated out of the treasury, and that there be and are hereby appropriated the further sums of one thousand dollars (\$1,000) for the erection of coal house, one thousand dollars (\$1,000) for extension of sewer.*

§ 2. [WHEN AND HOW DRAWN.] The Auditor of Public Accounts is hereby authorized and required to draw his warrant on the Treasurer for the said sums, upon the orders of the Board of Trustees of the Illinois Institution for the Education of the Deaf and Dumb, signed by the President and attested by the Secretary of said Board, with the seal of the Institution, accompanied by such vouchers and certificates as are now required by law for the drawing of funds from the treasury by said institution.

APPROVED May 18, 1877.

FOR THE INSTITUTION FOR THE DEAF AND DUMB

§ 1. Appropriates \$80,500 per annum. | § 2. When and how drawn.

AN ACT for the support of the Illinois Institution for the Education of the Deaf and Dumb, and for general repairs thereon, and for the Pupils' Library. Approved May 18, 1877. In force July 1, 1877.

SECTION 1. [APPROPRIATES \$80,500 PER ANNUM.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That for the purpose of defraying the ordinary expenses of the Illinois Institution for the Education of the Deaf and Dumb, the sum of seventy-seven thousand dollars (\$77,000) per annum be and the same is hereby appropriated out of the State Treasury payable quarterly in advance, from the first day of July, 1877, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly; and that there be and are hereby appropriated the further sums of three thousand dollars (\$3,000) per annum for repairs and improvements, and five hundred dollars (\$500) per annum for the pupils' library, from the first day of July, 1877, till the expiration of the first fiscal quarter after the adjournment of the next regular session of the General Assembly.

§ 2. [WHEN AND HOW DRAWN.] The Auditor of Public Accounts is hereby authorized and required to draw his warrant on the Treasurer for the said sums upon orders of the Board of Trustees of the Illinois Institution for the education of the Deaf and Dumb, signed by the President and attested by the Secretary of said Board, with the seal of the Institution, accompanied by such vouchers and certificates as are now required by law for the drawing of funds from the Treasury by said Institution.

APPROVED May 18, 1877.

FOR DOUGLAS MONUMENT.

§ 1. Names commissioners. | § 3. Appropriates (50,000).
§ 2. No compensation.

AN ACT to appropriate Fifty Thousand Dollars to complete the Douglas Monument at Chicago. Approved May 21, 1877. In force July 1, 1877.

SECTION 1. [NAMES COMMISSIONERS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John D. Caton, Thomas Drummond, Lyman Trumbull, Melville W. Fuller, Robert T. Lincoln and Potter Palmer, all of the city of Chicago, county of Cook, Benjamin F. Fridly, of Kane county, Gustavus Kærner, of St. Clair county, and Ralph Plumb, of La Salle county, Illinois, be, and they are hereby constituted Commissioners of the Douglas Monument at Chicago, and are authorized and empowered to received proposals and contract for the completion of the Douglas Monument; *Provided*, that said Commissioners shall not obligate the State of Illinois, to exceed the sum named in section three of this act.

§ 2. [NO COMPENSATION.] Said Commissioners shall receive no compensation for their services.

§ 3. [APPROPRIATES \$50,000.] For the purpose of defraying the cost of the completion of said Monument, the sum of Fifty Thousand Dollars is hereby appropriated out of the State Treasury, and the Auditor of Public Accounts, is hereby authorized to draw his warrant on the State Treasury for said amount out of the money not otherwise appropriated, upon the certificate of a majority of the said Commissioners from time to time, during the progress of the work: *Provided*, no money shall be drawn under the provisions of this act, prior to the first day of April A. D. 1877, which is made payable out of revenue from the assessments for the year 1876.

APPROVED May 21, 1877.

FOR EXPENDITURES INCURRED IN SUPPRESSING THE REBELLION.

§ 1. Appropriates \$5,978.67 to pay claim of Head.

AN ACT making an Appropriation for the Expenditures incurred in Suppressing the Rebellion. Approved May 12, 1877. In force July 1, 1877.

SECTION 1. [APPROPRIATES \$5,968.67. TO PAY CLAIM OF HEAD.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That five thousand nine hundred and sixty-eight dollars and sixty-seven cents (\$5,968.67) be appropriated out of the treasury to pay the amount found due unto Henry Head, for infantry and cavalry equipments furnished the State to aid in suppressing the late rebellion, under contract with the Quartermaster-General, and the Auditor of Public Accounts issue his warrant on the treasury therefor.

APPROVED May 12, 1877.

FOR THE EYE AND EAR INFIRMARY AT CHICAGO.

§ 1. Appropriates for two years, etc.
§ 2. For land.

§ 3. When and how paid.

AN ACT to make appropriations for the Illinois Charitable Eye and Ear Infirmary, at Chicago. Approved May 22d, 1877. In force July 1, 1877.

SECTION 1. [APPROPRIATES FOR TWO YEARS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there be and is hereby appropriated to the Illinois Charitable Eye and Ear Infirmary at Chicago, for the ordinary expenses, the sum of seventeen thousand dollars (\$17,000) per annum, payable quarterly in advance from the first day of July, 1877, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly; for repairs and improvements, one thousand five hundred dollars (\$1,500) per annum; for the purchase of additional furniture, the sum of three thousand dollars (\$3,000), and for the erection of a boiler house, kitchen, dispensary and operating room, in accordance with the plans and specifications prepared by Messrs. Burling and Adler, architects, the sum of five thousand, nine hundred and twenty-five dollars (\$5,925).

§ 2. [FOR LAND.] The Trustees of said Infirmary are hereby authorized to purchase, for the use of the same, the lot or parcel of land

lying immediately north of and adjoining the lot upon which the buildings of the infirmary are situated, said lot or parcel of land having an east frontage on South Peoria Street of fifty feet, more or less, in width, and the sum of ten thousand dollars [\$10,000], or such part thereof as may be necessary, is hereby appropriated for the payment of said lot or parcel of land; but no part of said sum shall be paid for or on account of said lot except upon delivery to the said Trustees of a good and sufficient warranty deed conveying a title in fee simple to said lot, such deed, together with the title to said land, to be approved by the Attorney General of the State of Illinois.

§ 3. [WHEN AND HOW PAID.] The Auditor of Public Accounts is hereby authorized and required to draw his warrants upon the Treasurer for the above sums, subject to the limitations and conditions now prescribed by law in an act to regulate the State Charitable Institutions and the State Reform School, approved April 15th, 1875.

APPROVED May 22, 1877.

FOR THE ASYLUM FOR FEEBLE MINDED CHILDREN.

§ 1. Appropriates (\$8,000 per annum and \$30,940. | § 2. When and how drawn.

AN ACT making appropriations for the Illinois Asylum for Feeble Minded Children. Approved May 21, 1877. In force July 1, 1877.

SECTION 1. [APPROPRIATES \$58,000 PER ANNUM, AND \$38,940.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That for the purpose of defraying the ordinary expenses of the Illinois Asylum for Feeble Minded Children, the sum of fifty-eight thousand dollars (\$58,000) per annum be and the same is hereby appropriated out of the State Treasury, payable quarterly in advance, from the 1st day of July, 1877, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly; and that there be and are hereby appropriated the further sums of twenty-five thousand dollars (\$25,000) for furnishing the new buildings; thirteen hundred and sixty dollars (\$1,360) for fencing; four hundred dollars (\$400) for walks; four hundred dollars (\$400) for scales and scale house; one thousand dollars (\$1,000) for enclosing covered passage ways; two thousand five hundred dollars (\$2,500) for barn and cow stable; one thousand dollars (\$1,000) for coal house; five hundred dollars (\$500) for fifteen (15) cows; one thousand dollars (\$1,000) for cisterns; seven hundred and fifty dollars (\$750) for repairing boilers; and one thousand and thirty dollars (\$1,030) for a Berryman's heater; and the further sum of four thousand dollars (\$4,000) for twenty (20) acres of land. And that the Trustees of the Illinois Asylum for Feeble Minded Children be authorized to purchase twenty acres of land lying between the forty acres already purchased and the right of way of the Indianapolis, Bloomington and Western Railroad. The title to said twenty acres of land shall be approved by the Attorney General of the State before any money shall be expended for or on account of the purchase of the same.*

§ 2. [WHEN AND HOW DRAWN.] The Auditor of Public Accounts is hereby authorized and required to draw his warrant on the State

Treasurer for the said sums, upon orders of the Board of Trustees of the Illinois Asylum for Feeble Minded Children, signed by the President and attested by the Secretary of said Board, with the seal of the Asylum.

APPROVED May 21, 1877.

FOR THE RELIEF OF THE GERMAN NATIONAL BANK.

§ 1. Appropriates to pay lost bond.

§ 2. How and when bond to be paid.

AN ACT for the relief of the German National Bank of Chicago. Approved May 18, 1877. In force July 1, 1877.

WHEREAS, Revenue Deficit Bond No. 156, bearing date January 1, 1872, while the property of the German National Bank of Chicago, was lost on or about the——day of——, 1872, and whereas, no one other than the said German National Bank has demanded or claimed payment of the said bond or the interest thereon, and the principal of said bond and the interest thereon from the date thereof is still wholly unpaid—Therefore,

SECTION 1. [APPROPRIATION TO PAY LOST BOND.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sum of eleven hundred and eighty dollars (\$1,180), be and is hereby appropriated out of any money in the treasury, not otherwise appropriated, to pay said lost bond and interest thereon.

§ 2. [WHEN AND HOW PAID.] That whenever the said German National Bank of Chicago shall execute a good and sufficient bond in the penal sum of three thousand dollars (\$3,000), payable to the State of Illinois, with such resident sureties as shall be approved by the Governor and conditioned for the full indemnity of the State against the production, payment or liability in any manner whatsoever by reason of the payment of said bond hereinbefore described, and file such bond in the office of the Secretary of State, the Auditor of Public Accounts be and he is hereby authorized and required to draw his warrant on the Treasurer for the sum of eleven hundred and eighty dollars (\$1,180), being the amount of said lost bond with interest accrued thereon.

APPROVED May 18, 1877.

STATE HISTORICAL LIBRARY AND NATURAL HISTORY MUSEUM.

1. Established.
2. Rooms.
3. Management—Trustees.
4. Curator.
5. Librarian.
6. Duty of curator.

7. Specimens removed.
8. Duplicate specimens.
9. Museum at Normal.
10. Appropriation.
11. When and how drawn.

AN ACT to establish a State Historical Library and Natural History Museum, to provide for its care and maintenance and to appropriate money therefor. Approved May 25, 1877. In force July 1, 1877.

WHEREAS, It is important and desirable that all books, manuscripts

and other matters illustrative of the early history of this State shall be preserved in some permanent form ; and

WHEREAS, The collection of geological specimens accumulated in the progress of the geological survey of this State are lying in a disorganized mass in the basement of the Capitol ; and

WHEREAS, The large and valuable collection of specimens of zoology and botany in the Museum of Natural History at Normal are now in a building not fire-proof, and therefore in danger of destruction by fire ; therefore :

SECTION 1. [ESTABLISHED.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there is hereby established at the capitol of the State a State Historical Library and Cabinet of Natural History, to be known as "The Illinois State Historical Library and Natural History Museum."

§ 2. [ROOMS.] The rooms in the west wing of the State House, known as the Miscellaneous Library rooms, are hereby set apart for the said Library and Museum established by this act.

§ 3. [MANAGEMENT—TRUSTEES.] The Illinois State Historical Library and Natural History Museum shall be under the management of three trustees, consisting of the Governor, Secretary of State and Superintendent of Public Instruction, who shall have power to make all such rules and regulations, not inconsistent with law, as may be necessary for its management.

§ 4. [CURATOR.] It shall be the duty of said trustees to appoint a Curator, who shall be a person of competent scientific attainments, and who shall possess a practical knowledge of the science of geology.

§ 5. [LIBRARIAN.] The Curator shall act as Librarian and shall have the custody, superintendence and charge of all articles directed to be deposited in said Library and Museum, and shall also perform the acts which are or may be required by law of the State Geologist.

§ 6. [DUTY OF CURATOR.] It shall be the duty of the said Curator, as soon as the State House Commissioners furnish the book cases and furniture designed for the galleries of said rooms, to select from the State Library all books and documents relating to the history of this State and place them in the new rooms as a nucleus for a State Historical Library.

§ 7. [SPECIMENS REMOVED] It shall be the duty of the Curator, as soon after this act takes effect as is practicable, to have the collection of geological specimens accumulated in the progress of the geological survey of this State, and the other specimens hereinafter named, removed to said rooms and classified, labeled and arranged in such a manner as to be effectually preserved and at the same time open to the inspection of the public.

§ 8. [DUPLICATE SPECIMENS.] One each of all the duplicate zoological and botanical specimens now on hand in the Illinois Museum of Natural History at Normal, which are not needed to illustrate the natural history work of the State Normal University, are hereby directed to be deposited as soon as practicable in the Museum established by this act by the Curator of said Illinois Museum of Natural History.

§ 9. [MUSEUM AT NORMAL.] It is hereby directed that the Illinois Museum of Natural History at Normal be converted into a State Laboratory of Natural History, at which, under the direction of the Curator thereof, the collection, preservation and determination of all zoological and botanical material for said State Museum shall be done. It is made a part of the duty of said Curator to provide, as soon as possible, a series of specimens illustrating the zoology and botany of the State, to deposit them from time to time in the Museum established by this act, and to furnish, as far as practicable, all zoological and botanical material needed by the State educational institutions for the proper performance of their work.

§ 10. [APPROPRIATION.] For the purpose of carrying out the provisions of this act, the following named sums are hereby appropriated out of the State Treasury for the purposes herein specified:

For the salary of the Curator provided for in this act, the sum of two thousand five hundred dollars (\$2,500) per annum for two years, payable quarterly.

For the purpose of moving the geological specimens from the basement, and of moving the Natural History specimens at Normal to the rooms designated, and for arranging, classifying, labeling and putting all the said specimens in such condition that they will be effectually preserved and at the same time open to the convenient inspection of the public, the sum of five hundred dollars (\$500).

For the purpose of increasing the collections in Natural History, the sum of one thousand dollars (\$1,000) per annum, to be expended under the direction of the Curator of the State Laboratory at Normal.

§ 11. [WHEN AND HOW DRAWN.] The Auditor of Public Accounts is hereby authorized and required to draw his warrant on the Treasurer for the moneys herein appropriated, upon order of the Board of Trustees: *Provided*, That no portion of said moneys, other than the annual salaries, shall be due and payable until satisfactory vouchers in detail shall have been filed with the Auditor for the expenditures incurred.

APPROVED May 25, 1877.

FOR HORTICULTURAL SOCIETY.

§ 1. Appropriates \$2,000 per annum for two years.

AN ACT making an appropriation in aid of the Illinois State Horticultural Society. Approved May 15, 1877. In force July 1, 1877.

SECTION 1. [APPROPRIATES \$2,000 PER ANNUM FOR TWO YEARS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That there be appropriated, for the use of the Illinois State Horticultural Society, the sum of two thousand dollars [\$2,000] per annum, for the years 1877 and 1878, to be expended by said Society for the purposes and in the manner specified in "An act to reorganize the Illinois State Horticultural Society," which was approved March 24, 1874.

APPROVED May 15, 1877.

FOR THE INDUSTRIAL UNIVERSITY.

§ 2. Appropriates \$33,750 per annum, and \$3,500. | § 3. When and how drawn.

AN ACT making appropriations for the Illinois Industrial University. Approved May 18, 1877. In force July 1, 1877.

SECTION 1. [APPROPRIATES \$32,750 PER ANNUM, AND \$3,500.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That there be and hereby is appropriated to the Industrial University at Urbana, for the payment of taxes accruing in the years 1876 and 1877, on lands owned and held by the State for the use of said institution, in the county of Gage, in the State of Nebraska, and in the counties of Pope, and Kandiyohi and Renville, in the State of Minnesota, the sum of three thousand dollars (\$3,000) per annum.*

For current repairs and improvements of the buildings and grounds of said University, for the years 1877 and 1878, the sum of two thousand five hundred dollars (\$2,500) per annum.

For current expenses of the chemical and physical laboratories of said University, for the years 1877 and 1878, the sum of one thousand dollars (\$1,000) per annum.

For the current expenses for educational work and practical instruction of students in the mechanical shops of said University, for the years 1877 and 1878, the sum of one thousand five hundred dollars (\$1,500) per annum.

For University library and cabinets, for the years 1877 and 1878, to-wit: for additional library cases, one thousand dollars (\$1,000); for books and publications, one thousand five hundred dollars (\$1,500) per annum; for cases for cabinets as per plans and estimates, two thousand two hundred and fifty dollars (\$2,250) per annum; for specimens for geological, mineralogical, and natural history cabinets, the sum of one thousand dollars (\$1,000) per annum.

For the erection of a chemical laboratory building, as per plans and specifications, thirty thousand dollars (\$30,000); for necessary heating apparatus, furniture and other fixtures for the same, the sum of ten thousand dollars (\$10,000), the whole amounting to forty thousand dollars (\$40,000), twenty thousand dollars (\$20,000) of the same in the year 1877, and twenty thousand dollars (\$20,000) in the year 1878.

For the reconstruction and enlargement of the green-house and for a botanical and horticultural laboratory in the same, the sum of two thousand five hundred dollars (\$2,500.)

§ 2. [WHEN AND HOW DRAWN.] The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the Treasurer for the sum herein appropriated, payable out of any moneys in the treasury not otherwise appropriated, upon the order of the Board of Trustees, signed by the President of said Board and attested by the Secretary with the corporate seal of the University: *Provided, That no part of said sum shall be due and payable to said institution until satisfactory vouchers in detail, approved by the Governor, shall be filed with the Auditor for all previous expenditures incurred by the*

institution, on account of appropriations heretofore made; and *Provided further*, That vouchers shall be taken in duplicate, and original or duplicate vouchers shall be forwarded to the Auditor of Public Accounts for the expenditure of the sums appropriated in this act.

APPROVED May 18, 1877.

HOSPITAL FOR THE INSANE, CENTRAL.

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| § 1. Appropriates for expenses, etc. | § 3. When and how Drawn. |
| § 2. Appropriates for improvements, etc. | |

AN ACT entitled "*An Act making appropriations to defray the ordinary expenses of the Illinois Central Hospital for the Insane, located at Jacksonville, and for making repairs and improvements to said Hospital.*" Approved May 17, 1877. In force July 1, 1877.

SECTION 1. [APPROPRIATES FOR EXPENSES, ETC.] *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That there be and hereby is appropriated for the use of the Central Hospital for the Insane, located at Jacksonville, the following sums: To defray the ordinary expenses of said Central Hospital, from the first day of July, 1877, to the first day of July, 1878, the sum of sixty-five thousand dollars (\$65,000), and also any unexpended balance that may remain in the hands of the trustees of said hospital on the first day of July, 1877, from any former appropriation, to defray the ordinary expenses of said hospital; and to defray the ordinary expenses of said hospital from the first day of July, 1878, to the end of the first fiscal quarter after the adjournment of the next regular session of the General Assembly, there is hereby appropriated the sum of ninety-two thousand dollars, (\$92,000) per annum. The money appropriated by this section, payable in quarterly installments, in advance, in the manner now provided for by law.*

§ 2. [APPROPRIATES FOR IMPROVEMENTS, ETC.] *That there be and hereby is appropriated for the use of the said Central Hospital, for renovating five wards in said hospital building, and for laying English tiling in eight water closets, and for general repairs on said buildings and grounds, the sum of six thousand dollars (\$6,000) per annum; and for material and building, heating and furnishing a building for ironing and mending, and store rooms, and for sleeping apartments for employes in the same, there be and hereby is appropriated the sum of seven thousand dollars (\$7,000); and for renewing the stone work of the front portico of said Central Hospital building, and for laying a brick walk in front of the building on the north side thereof, for constructing walks for patients, and for other improvements of the grounds in front of the hospital buildings, there be and hereby is appropriated the sum of three thousand dollars (\$3,000); and for extending, enlarging, finishing and furnishing an amusement hall, there is hereby appropriated the sum of twenty-five hundred dollars (\$2,500).*

And for material and putting in fire plugs so as to convey water around the entire building, for the better protection against fire, there be and hereby is appropriated the sum of fifteen hundred dollars (\$1,500).

And for seed house, broom shop, and conservatory, there is hereby appropriated for said hospital, the sum of fifteen hundred dollars (\$1,500).

And for constructing summer houses in the airing courts used and occupied by patients, there is hereby appropriated the sum of one thousand dollars (\$1,000).

And to enable the said Central Hospital, the better to dispose of the drainage from said hospital buildings, there is hereby appropriated the sum of one thousand dollars, which the trustees of said hospital are empowered and authorized to pay to the city of Jacksonville, when the said city of Jacksonville shall have constructed a sewer from the crossing of North Main street and Merton avenue in said city, east to the Mauvaisterre creek, the same to be laid with tile piping of not less than twelve inches in diameter; and said sum of one thousand dollars (\$1,000) payable only when the said sewer is so completed by the said city of Jacksonville, and on the completion of said sewer, as before provided for, the said trustees of the said Central Hospital are authorized and empowered to construct a sewer on the grounds of the said hospital so as to connect with the sewer at the crossing of South Main street and Merton avenue; and for the payment for the construction of the sewer last aforesaid, there is hereby appropriated the sum of twelve hundred dollars (\$1,200), or so much thereof as may be required to pay for the same. The trustees of said hospital shall keep accounts and vouchers separately for each item of expenditure herein provided for, and shall file duplicates of the same in the office of the Secretary of the Commissioners of the Board of Public Charities. And the money herein appropriated for the several specified items of building, renovating, repairing and improving herein provided, shall be drawn from the Treasury of this State, on the order of the trustees of said hospital, authenticated as is now provided by law, and approved by the Governor of this State, and when so approved, the same shall be filed in the office of the Auditor of Public Accounts, and upon the filing of which, said order or orders, the Auditor shall draw his warrant on the Treasurer of this State for the sum so drawn for.

§ 3. [WHEN AND HOW DRAWN.] The money appropriated by the first section of this act shall be paid out of the State Treasury, upon the order of the Trustees of said Hospital, approved by the Governor, as is now provided for by law.

APPROVED May 17, 1877.

HOSPITAL FOR THE INSANE, CENTRAL.

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| § 1. Appropriates \$75,000.
§ 2. Plans—Supervision.
§ 3. Expense of patients after wings are open. | § 4. Limitation of cost of building, etc.
§ 5. Emergency. |
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AN ACT for erecting additional buildings to the Central Hospital for the Insane, located at Jacksonville, and for heating and furnishing the same.
 Approved and in force May 18, 1877.

SECTION 1. [APPROPRIATES \$75,000.] Be it enacted by the People of the State of Illinois, represented in the General Assembly, That for the pur-

pose of erecting additional wings to the Central Hospital for the Insane, located at Jacksonville, for the proper accommodation and care of one hundred and fifty patients, the sum of seventy-five thousand dollars (\$75,000) be and is hereby appropriated, to be drawn from the treasury in such manner as is now provided by law. The amount herein appropriated shall be for erecting, piping, heating, ventilation, sewerage and furnishing these additions, and making the necessary alterations in old wings for the proper distribution of food, water, gas and steam.

§ 2. [PLANS—SUPERVISION.] The superintendent of said hospital is authorized to procure plans, which shall be approved by the board of trustees and by the Governor, and shall have the general charge and supervision of the work of constructing and finishing these additions.

§ 3. [EXPENSE OF PATIENTS AFTER WINGS ARE OPENED.] And for the purpose of defraying the additional expenses of one hundred and fifty additional patients from the date of opening said two wings of said Central Hospital, as contemplated by this act, there is hereby appropriated out of the State Treasury, out of any money not otherwise appropriated, the sum of fifteen thousand dollars (\$15,000) per annum from the date said new wings are completed, and a pro rata sum from the date of opening of either of said wings and ready for the reception of patients until the end of the first fiscal quarter after the adjournment of the next regular session of the General Assembly; and for the purpose of ascertaining the time when said wings are completed and ready for the reception of patients, it is hereby made the duty of the Trustees of said Hospital to certify that fact under the hand of the President of said board, and attested by the Secretary thereof with the seal of said institution, to the Governor of the State, and when the Governor of the State is satisfied of the truth of the fact so to be certified to him as aforesaid, he shall endorse his approval thereon and cause the same to be filed in the office of Auditor of Public Accounts, and upon the filing of said certificate with the Auditor, the said Auditor shall draw his warrant on the Treasurer of this State for the first quarterly installment appropriated in this section, to defray the ordinary expenses of the additional patients provided for in this act, and for all the money appropriated by this section, after the first quarter as herein provided for, shall be done only upon the order of the Trustees with the approval of the Governor, as is now provided for by law.

§ 4. [LIMITATION ON COST OF BUILDING.] The Trustees of said Hospital shall not on any account whatever contract for the building, completing and furnishing ready for occupancy by patients, of said two wings, at a greater cost to the State than the sum of seventy-five thousand dollars (\$75,000), the sum appropriated in the first section of this act.

§ 5. [EMERGENCY.] Whereas, there is an urgent demand and necessity for additional accommodation for the chronic insane, and whereas, it is desirable to enclose the buildings before winter, therefore an emergency exists, and this act shall be in force from and after its passage.

APPROVED May 18, 1877.

HOSPITAL FOR THE INSANE, EASTERN.

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| <ol style="list-style-type: none"> 1. Creates the Institution. 2. Appropriates for Site, etc. 3. Commissioners. 4. Trustees. 5. Plans. 6. Advertisement for Bids. 7. Opening of Bids. | <ol style="list-style-type: none"> 8. Contract—How Made. 9. How Signed. 10. What Bids should show. 11. Cost of Location. 12. When and how Paid. 13. Officers not to be Interested. 14. Title. |
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AN ACT *making appropriations for land and for the Construction of Buildings for the Illinois Eastern Hospital for the Insane. Approved May 25, 1877. In force July 1, 1877.*

SECTION 1. [CREATES THE INSTITUTION.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there be and is hereby created and established the Illinois Eastern Hospital for the Insane, which shall possess all the corporate and other powers, and be subject to all the rules, regulations and conditions, expressed in an act entitled "An act to regulate the State Charitable Institutions, and State Reform School, and to improve their organization and increase their efficiency," approved April 15, 1875, and the object of said Hospital shall be the same as set forth in section three of said act.

§ 2. [APPROPRIATES FOR SITE, ETC.] For the purchase of the site and farm, which shall include not less than one hundred and sixty acres, nor more than three hundred and twenty, and for constructing buildings for the Illinois Eastern Hospital for the Insane, and for plumbing, heating and for the ventilation of the same, and fit the same buildings for occupancy and use, there is hereby appropriated the sum of two hundred thousand dollars (\$200,000), to be paid out of any moneys not otherwise appropriated as hereinafter provided.

§ 3. [COMMISSIONERS.] That within ten days after taking effect of this act, the Governor shall appoint seven Commissioners, no two of which shall be from the same Congressional District, and none of whom shall be residents of that portion of the State east of the third principal meridian and included between the thirty-ninth and forty-one, and one-half parallels of latitude. Said Commissioners shall take and file in the office of the Secretary of State the following oath: "I do solemnly swear that I will support the Constitution of the United States and of this State, and will faithfully discharge the duties of Commissioner to locate the Eastern Hospital for the Insane, according to the best of my ability, and that I have not, nor will not knowingly or intentionally, directly or indirectly, receive any money or other consideration from any corporation, company or person, for any vote or influence I may give or withhold, or for any other official act I may perform as said Commissioner." And as soon as possible after their appointment and qualification, shall proceed to select a site for the said Hospital in that portion of the State east of the third principal meridian, and included between parallels of latitude thirty-nine and forty-one and one-half, and at such a place as shall be at the same time most economical to the State and best adapted to the wants of the institution, having regard, in the selection to elevation, sewerage and drainage, an abundant and never failing supply of living water, facility of access, the quality of the soil, and the price asked for the land;

but the said Commissioners shall neither ask nor accept, on their own account, or on account of the State, any gift or gifts in money, freights, lands or other valuable property as a consideration for the location or choice of site. And a violation of this provision shall be deemed a high misdemeanor, punishable by fine or by imprisonment, or by both, at the discretion of any court in which conviction of the same may be obtained and had.

§ 4. [TRUSTEES.] Within ten days after the selection of a site the Governor shall appoint three Trustees for the said Hospital, who shall be a body corporate and politic and shall be subject to the same rules, regulations, conditions and purposes as Trustees of other State charitable institutions, as now provided by law.

§ 5. [PLANS.] The said Trustees are directed and required to cause to be prepared suitable plans and specifications by a competent architect, (for which not more than two per cent. shall be allowed payable in installments as the work progresses), which shall be submitted to the Governor for his approval; but no plan shall be adopted by the Trustees which shall not first have been approved by the Governor and Board of Public Charities. Said plans shall be accompanied by specifications and by a detailed estimate of the amount, quality and description of all materials and labor required for the erection and full completion of the buildings according to said plans.

§ 6. [ADVERTISEMENT FOR BIDS.] Whenever the said plans and specifications shall have been approved and adopted, the Trustees shall cause to be inserted in at least two of the daily or weekly newspapers in each of the following cities, to-wit: In Chicago, St. Louis, and Indianapolis and the city or town at or near which the said institution shall be permanently located, an advertisement for sealed bids for the construction of the buildings herein authorized; and they shall furnish a printed copy of this act and of the specifications, to all parties applying therefor; and all parties interested, who may desire it, shall have free and full access to the plans with the privilege of taking notes and making memoranda. And the said Trustees shall answer all inquiries addressed to them upon the subject of the proposed building or buildings to the best of their ability and belief.

§ 7. [OPENING OF BIDS] Not less than thirty days after the publication of the said proposals for bids, on a day and at an hour to be specified in the said advertisement, at the place where the said institution shall be located in the presence of the bidders or so many of the bidders as may be present, the bids received shall be opened for the first time, and the contract for building shall be let to the lowest and best bidder. *Provided*, That no contracts shall be made and no expense incurred for any building or buildings, requiring for the completion of the same a greater expense than is provided for in the appropriation made in this act. And *provided further*, That no bid shall be accepted which is not accompanied by a good and sufficient bond, in the penal sum of ten thousand dollars, signed by at least three good and sufficient sureties conditioned as a guaranty for the responsibility and good faith of the bidder, and that he will enter into contract and give bond as provided in this act in case his bid is accepted. *Provided* also, that the Commissioners of the Penitentiary at Joliet, may bid and become contractors in behalf of the State on any

and all contracts in which they deem it to be for the interest of the Penitentiary and the State, and which they have the means to execute; and it shall be the duty of said Commissioners to faithfully perform such contracts as they may make, but the said Commissioners shall not be required to give the bond required of other bidders and contractors.

§ 8. [CONTRACT—HOW MADE.] The contract to be made with the successful bidder shall be accompanied by a good and sufficient bond, to be approved by the Governor before accepted; conditioned for the faithful performance of his contract; and the said contract shall provide for the appointment of a superintendent of construction, who shall not receive more than five dollars per day for his services, and who shall carefully and accurately measure the work done and the materials upon the ground at least once in every month, and for the payment of the contractor upon the aforesaid measurement, and for the withholding of fifteen per cent. of the value of the work done and materials on hand until the completion of the building; and for a forfeiture of a stipulated sum per diem for every day that the completion of the work shall be delayed after the time specified for its completion, in the contract; and for the full protection of all persons who may furnish labor or materials for the construction of said hospital buildings, by withholding payment from the contractor, and by paying the parties to whom any moneys are due for service or materials as aforesaid directly for all work done or materials furnished by them, in case of notice given to the trustees that any such party apprehends or fears that he will not receive the money due; and for the settlement of all disputed questions as to the value of alterations and extras, by arbitration, at the time of final settlement, as follows: one arbitrator to be chosen by the trustees; one by the contractor, and one by the Governor of the State, all three of the said arbitrators to be practical mechanics and builders; and for the power and privilege of the trustees, under the contract, to order changes in the plans, at their discretion, and to refuse to accept any work which may be done, not fully in accordance with the letter and spirit of the plans and specifications; and all work not accepted shall be replaced at the expense of the contractor; and for a deduction from the contract price of all alterations ordered by the trustees which may and do diminish the cost of all buildings. They may also make such other provisions and conditions in the said contract not herein above specified, as may seem to them necessary or expedient; *Provided*, That no conditions shall be inserted contrary to the letter and spirit of this section. And that in no event shall the State be liable for a greater amount of money than is appropriated for said building and its appurtenances.

§ 9. [HOW SIGNED.] The said contract shall be signed by the president of the board of trustees on behalf of the board, after a vote authorizing him so to sign shall have been entered upon the minutes of the board, and it shall be attested by the counter signature of the secretary of the board, and by the seal of the institution. It shall be drawn in triplicate and one copy of the same shall be deposited in the office of the board of public charities of this State.

§ 10. [WHAT BIDS SHOULD SHOW.] All bids shall show the estimated cost of the work to be done of each description, in detail; and

the trustees shall have the right and power at their discretion, to accept bids for particular portions of the work, if for the advantage of the State, and all measurements and accounts, as the work progresses shall show in detail the amount and character of the work for which payment is made.

§ 11. [COST OF LOCATION.] The cost of location, including the cost of a suitable site, may be paid out of the appropriation herein made, but shall not exceed sixteen thousand dollars. The commissioners to locate the hospital shall receive their actual traveling expenses as certified by them under oath, and a per diem of five dollars for each day actually employed in the discharge of the duties imposed upon them by this act, not to exceed twenty days in all.

§ 12. [WHEN AND HOW PAID.] The moneys herein appropriated shall be paid to the parties to whom they may become due and payable, directly from the treasury of the State on the warrant of the Auditor of Public Accounts; and the Auditor is hereby authorized and required to draw the said warrants for moneys due under this act, upon the order of the board of trustees accompanied by vouchers approved by the Governor as now provided by law.

§ 13. [OFFICERS NOT TO BE INTERESTED.] No trustee or officer of the said institution shall be in any way interested in any contract for the erection of said buildings, or furnishing any material for said buildings; and if any such trustee or officer shall be so interested, he shall be deemed guilty of a high misdemeanor and on conviction thereof be fined in any sum not exceeding ten thousand dollars.

§ 14. [TITLE.] Before making payment for the lands for whose purchase provision is made in this act, the seller shall furnish to the trustees an abstract of title, which shall be submitted by the trustees to the Attorney General for examination and to the Governor for his approval and no moneys shall be paid for the said lands without a perfect conveyance of title, in fee simple to the State of Illinois by a warranty deed.

APPROVED May 25, 1877.

HOSPITAL FOR THE INSANE—NORTHERN.

§ 1. Appropriates \$6,000.

§ 2. Superintendent to provide plans, etc.

§ 3. Appropriates \$5,000.

§ 4. Emergency.

AN ACT to remove two cottages now on the grounds of the Illinois Northern Hospital for the Insane at Elgin, and putting foundations under the same, and making additions thereto, for Hospital purposes, and to furnish the same, and to erect two lodges at gateways to Hospital grounds. Approved and in force May 18, 1877.

SECTION 1. [APPROPRIATES \$6,000.] Be it enacted by the People of the State of Illinois, represented in the General Assembly, That for the purpose of removing two cottages now on the grounds of the Illinois Northern Hospital for the insane at Elgin, and putting foundations under the same, and additions thereto for Hospital accommodation,

and care of twenty-five or thirty additional patients, and erecting two lodges at either entrance to the Hospital grounds, and to guard the same and prevent the escape of patients and the intrusion of outsiders, the sum of six thousand dollars (\$6,000) be and is hereby appropriated, to be drawn from the treasury in such manner as is now provided by law.

§ 2. [SUPERINTENDENT TO PROVIDE PLANS.] The Superintendent of said Hospital shall provide the plans, which shall be approved by the Board of Trustees and the Governor, and shall have the general charge and supervision of the removing, putting the foundation under said cottages and the additions thereto, and the erecting the said lodges and the furnishing the said cottages.

§ 3. [APPROPRIATES \$5,000.] That there be and is hereby appropriated the sum of two thousand dollars (\$2,000) for the purpose of furnishing the said cottages, and for increased ordinary expenses of the hospital, in consequence of the enlargement and addition herein provided for, the sum of three thousand dollars (\$3,000) per annum, from the date of the completion and occupancy of the said cottages, and no portion of this appropriation for increased ordinary expenses shall be due or payable to the trustees, or on their order, until both the said cottages shall have been completed and occupied by patients.

§ 4. [EMERGENCY.] WHEREAS, There is an urgent demand and necessity for the said cottages and additional accommodation for the chronic insane,

THEREFORE, An emergency exists, and this act shall be in force from and after its passage.

APPROVED May 18, 1877.

HOSPITAL FOR THE INSANE, NORTHERN.

§ 1. Appropriates \$104,000 per annum and \$25,897.85. | § 2. When and how drawn.

AN ACT *making appropriations for the ordinary and other expenses of the Illinois Northern Hospital for the Insane, at Elgin. Approved May 18, 1877. In force July 1, 1877.*

SECTION 1. [APPROPRIATES \$104,007 PER ANNUM AND \$25,897.85.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the following amounts be and hereby are appropriated to the Northern Hospital for the Insane, at Elgin, for the purpose herein named and for no other. For ordinary expenses, the sum of ninety-eight thousand dollars (\$98,000) per annum, payable quarterly in advance from the first day of July, 1877, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly. For repairs, five thousand dollars (\$5,000) per annum. For alterations in heating and ventilation, ten thousand dollars (\$10,000). For new boiler house, six thousand eight hundred ninety-seven dollars and eighty-five cents (\$6,897.85). For grading and shrubbery, one thousand dollars (\$1,000) per annum. For straw barn, with stone basement, to be used for storage of agricultural implements and for

slaughtering purposes, one thousand five hundred dollars (\$1,500). For refrigerating house, two thousand five hundred dollars (\$2,500). For hydraulic elevator in kitchen, five hundred dollars (\$500). For cisterns for rain water, one thousand five hundred dollars (\$1,500). For furniture to furnish new rooms, two thousand dollars (\$2,000).

§ 2. [WHEN AND HOW DRAWN.] The Auditor of Public Accounts is hereby authorized to draw his warrants upon the Treasurer for the money herein appropriated, upon the order of the Board of Trustees of said institution, signed by the President and attested by the Secretary, with the seal of the institution thereto affixed, subject to the limitations and conditions in sections 18, 19 and 20 of an act entitled, "An act to regulate the State Charitable Institutions, and the State Reform School, and to improve their organization and increase their efficiency," approved April 15th, 1875.

APPROVED May 18, 1877.

HOSPITAL FOR THE INSANE, SOUTHERN.

§ 1. Appropriation for expenses, repairs, etc., etc. | § 2. When and how drawn.

AN ACT *making appropriations for the ordinary and other expenses of the Illinois Southern Hospital for the Insane, at Anna. Approved May 17, 1877. In force July 1, 1877.*

SECTION 1. [APPROPRIATION FOR EXPENSES, REPAIRS, ETC.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the following amounts be and hereby are appropriated to the Illinois Southern Hospital for the Insane, at Anna, for the purposes herein named and for no other:

For ordinary expenses the sum of eighty-five thousand dollars (\$85,000) per annum, payable quarterly in advance from the first day of July, 1877, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly.

For improvement of the grounds, two thousand dollars (\$2,000).

For finishing road from Anna, two thousand five hundred dollars (\$2,500).

For coal house, one thousand dollars (\$1,000.)

For carpenter shop, four hundred dollars (\$400).

For frame barn, with stone basement, three thousand five hundred dollars (\$3,500).

For fire pump and hose, one thousand eight hundred dollars (\$1,800).

For rotary oven, one thousand dollars (\$1,000).

For dry closet two thousand five hundred dollars (\$2,500).

For improvements and repairs, five thousand dollars per annum, payable quarterly in advance.

§ 2. [WHEN AND HOW DRAWN.] The Auditor of Public Accounts is hereby authorized to draw his warrant upon the Treasurer for the moneys herein appropriated upon the orders of the Board of Trustees of said institution, signed by the President and attested by the Secre-

tary, with the seal of the institution thereto affixed, subject to the limitations and conditions contained in sections eighteen, nineteen and twenty of an act entitled "An act to regulate the State Charitable Institutions and the State Reform School, and to improve their organization and increase their efficiency," approved April 15th, 1875.

APPROVED May 17, 1877.

FOR THE COMPLETION OF THE LINCOLN MONUMENT.

§ 1. Appropriation \$27,000.

| § 1. When and how drawn.

AN ACT making an appropriation for the completion of the Lincoln Monument at Springfield, Illinois. Approved May 21, 1877. In force July 1, 1877.

SECTION 1. [APPROPRIATES \$27,000.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the sum of twenty-seven thousand dollars (\$27,000) be and the same is hereby appropriated for the completion of the monument erected to the memory of the late Abraham Lincoln, at Oak Ridge Cemetery, near Springfield, Illinois.*

§ 2. [WHEN AND HOW DRAWN.] The Auditor of Public Accounts is hereby authorized and directed, upon the application of the directors of the Lincoln Monument Association, to draw his warrant upon the State Treasurer for the said sum of twenty-seven thousand dollars (\$27,000), to be paid by the said Treasurer out of any moneys in the State Treasury, not otherwise appropriated.

APPROVED May 21, 1877.

FOR THE NORMAL UNIVERSITY, NORMAL.

AN ACT making an appropriation for the ordinary expenses of the Normal University at Normal, and for repairs to the same, and for additions to the library, museum and apparatus thereof. Approved May 18, 1877. In force July 1, 1877.

§ 1. Appropriates one-half college fund, and
\$18,205.50.
2. When and how drawn.

| § 3. Appropriation for repairs.
§ 4. Expiration of Act.

SECTION 1. [APPROPRIATES ONE-HALF COLLEGE FUND AND \$18,295.50.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That there be and hereby is appropriated to the Normal University at Normal, for ordinary expenses in addition to the one-half of the interest of the College and Seminary fund which is hereby appropriated, the further sum of eighteen thousand and two hundred and five dollars and fifty cents (\$18,205.50) per annum payable quarterly in advance for the payment of salaries, for the purchase of fuel, for additions to library and museum, for apparatus, for contin-*

gent and incidental expenses; *Provided*, That the expenses of the model and high schools shall be paid out of the receipts for tuition of pupils in said schools.

§ 2. [WHEN AND HOW PAID.] The Auditor of Public Accounts is hereby authorized and required to draw his warrant upon the Treasurer for the aforesaid moneys upon the order of the State Board of Education, signed by the President and attested by the Secretary of said Board with the corporate seal of the institution: *Provided*, That no part of the moneys herein appropriated shall be due and payable to the said institution until satisfactory vouchers in detail approved by the Governor have been filed with the Auditor for the expenditure of the last quarterly installment of appropriations herein or heretofore made for the defraying of ordinary expenses.

§ 3. [APPROPRIATES FOR REPAIRS.] There is also hereby appropriated to said institution for repairs to the building the sum of twenty-five hundred dollars (\$2,500) for two years. And the sum appropriated in this section shall be payable out of any moneys in the Treasury not otherwise appropriated, on the warrant of the Auditor of Public Accounts, who is hereby authorized and directed to issue the said warrant, on order of the State Board of Education, signed by the President of said Board and attested by the Secretary, with the corporate seal of the institution: *Provided*, That duplicate vouchers shall be taken and filed with the Auditor of Public Accounts for all expenditures on account of the appropriation herein made.

§ 4. [EXPIRATION OF ACT.] This act shall be and continue in force from the first day of July, 1877, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly.

APPROVED May 18, 1877.

FOR THE NORMAL UNIVERSITY, SOUTHERN.

§ 1. Appropriation for teachers, grading, etc. | § 2. When and how paid.

AN ACT making appropriations to the Southern Normal University at Carbondale. Approved May 15, 1877. In force July 1, 1877.

SECTION 1. [APPROPRIATION FOR TEACHERS, GRADING, ETC.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That for the payment of salaries, for the purchase of fuel, library, museum cases and apparatus, and for necessary repairs, there be, and hereby is appropriated to the Southern Normal University at Carbondale, in addition to one-half of the interest on the college and seminary fund, which is hereby appropriated, the further sum of thirteen thousand seven hundred and ninety-six dollars and forty-four cents (\$13,796.44) per annum, payable quarterly in advance from the first day of July, 1877, to the expiration of the first fiscal quarter after the adjournment of the next General Assembly; And for grading the University grounds, a further sum of two thousand five hundred dollars

(\$2,500) is hereby appropriated, payable out of the levy of 1876. *Provided*, The expenses of the model and high schools shall be paid from the receipts of said schools.

§ 2. [WHEN AND HOW PAID.] The Auditor of Public Accounts is hereby authorized and required to draw his warrants upon the Treasurer for said sums upon the order of the Trustees, signed by the President and attested by the Secretary, with the corporate seal of the Institution attached: *Provided*, That satisfactory vouchers in detail, approved by the Governor, shall be filed quarterly with the Auditor of Public Accounts, for all expenditures, ordinary and extraordinary, of the preceding quarter, and that no part of the moneys herein appropriated shall be due and payable until after such vouchers shall have been so filed.

APPROVED May 15, 1877.

FOR THE NORMAL UNIVERSITY, SOUTHERN.

§ 1. Appropriates \$18,000.

‡ 2. Contract for heating apparatus.

§ 3. When and how drawn.

AN ACT to make an appropriation to introduce steam-heating apparatus into the building of the Southern Illinois Normal University, at Carbondale. Approved May 21, 1877. In force July 1, 1877.

SECTION 1. [APPROPRIATES \$18,000.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly.* That a sum not exceeding eighteen thousand dollars (\$18,000) be and is hereby appropriated out of any moneys not otherwise appropriated to introduce steam-heating apparatus into the building of the Southern Illinois Normal University for the purpose of warming the rooms thereof.

§ 2. [CONTRACT FOR HEATING APPARATUS.] The Trustees of the said Southern Illinois Normal University shall have power to contract with the lowest responsible bidder for putting in said steam-heating apparatus, and shall reserve not less than twenty per cent. of the sum agreed to be paid until there has been practical test made of its capability to do the work required of it for at least four months. The contract shall be awarded only after advertisements have been printed for not less than thirty (30) days in at least one newspaper in the cities of Chicago, Bloomington, Springfield and St. Louis. The contractor shall be required to give bonds to the people of the State in a sum double the contract price, conditioned on the faithful performance of his work, and that the heating apparatus shall work satisfactorily to the Trustees, for the term of two years from its completion.

§ 3. [WHEN AND HOW DRAWN.] The moneys hereby appropriated shall be paid to the contractor by the Treasurer of the State on the warrants of the Auditor of Public Accounts; and the Auditor is hereby authorized and required to draw the said warrants for moneys due under this act on the order of the said Trustees accompanied by vouchers approved by the Governor.

APPROVED May 21, 1877.

FOR THE PENITENTIARY—NORTHERN.

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| 1. Appropriates to pay debts. | § 4. Emergency. |
| 2. When and how drawn. | |

AN ACT making an appropriation for the Illinois State Penitentiary. Approved and in force May 17, 1877.

SECTION 1. [APPROPRIATES TO PAY DEBTS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* for the purpose of paying the debts of the Illinois State Penitentiary, the sum of ninety-eight thousand and ninety dollars and ninety-eight cents (98,090.98) or so much thereof as may be necessary, be and is hereby appropriated, to pay the indebtedness of the Penitentiary contracted before the first day of April, A. D. 1877, to be paid to the persons to whom the same is due, upon vouchers, in detail, verified by the warden of the Penitentiary, certified to be correct by the Commissioners of the Penitentiary, and approved by the Governor.

§ 2. [WHEN AND HOW DRAWN.] The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the State Treasurer for the sum herein specified, upon presentation of the proper vouchers, and the State Treasurer shall pay the same out of any funds in the Treasury, not otherwise appropriated.

§ 3. [EMERGENCY.] Whereas, an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

APPROVED May 17, 1877.

FOR THE PENITENTIARY—SOUTHERN.

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| 1. Governor to appoint Commissioners. | § 8. Advertising for bids — Specifications — |
| 2. Location—Purchase of land. | Awarding contracts. |
| 3. Contracts for building—How made. | § 9. Appropriation. |
| 4. Bond—Oath. | 10. Convict labor on buildings. |
| 5. Duty of Commissioners—Transfer of convicts. | 10½. Payment for convict labor. |
| 6. Leasing convict labor. | 11. Notice of completion of penitentiary. |
| 7. Bond of contractor—Arbitration. | 12. Removal of convicts. |
| | 13. Term of office—vacancy—salary. |
| | 14. Uniformity in regulations. |

AN ACT to locate, construct and carry on the Southern Illinois Penitentiary. Approved May 24th, 1877. In force July 1st, 1877.

SECTION 1. [GOVERNOR TO APPOINT COMMISSIONERS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* the Governor shall, within ten days after this act takes effect, appoint three Commissioners, to be denominated "The Commissioners of the Southern Illinois Penitentiary," which Commissioners shall have the powers and execute the duties hereinafter provided for by this act.

§ 2. [LOCATION—PURCHASE OF LAND.] Said Commissioners are hereby authorized to locate, construct and provide for carrying on the said Southern Illinois Penitentiary at such place in the southern part of this State as said Commissioners may select, and for this purpose they may contract for, purchase and enter into possession of such land, messuages and premises as may be necessary and useful for such

purpose, and in making such purchases for the purposes mentioned, the said Commissioners shall particularly consider the pre-requisites of convenience of access, elevation, drainage, never-failing water-privilege, convenience to both quantity and quality of stone and timber, and price of land upon which to locate said penitentiary: *Provided*, That the site upon which such Penitentiary is located shall contain at least one hundred acres of land in one body. Said purchase shall be made subject to the approval of the Governor, Auditor of Public Accounts and Attorney General, who shall inquire as to the title to said ground, and the price to be paid therefor. If the Governor, Auditor and Attorney General, approve said purchase, conveyance shall then be made thereof to the said Commissioners in their corporate name, for the use of the People of the State of Illinois. In case said ground cannot be purchased for a price that the Governor, Auditor of Public Accounts and Attorney General will approve, or in case the parties claiming such ground cannot make good title thereto to the State, then such Commissioners shall immediately proceed in their corporate name, for the use of the State of Illinois, to have such ground condemned in accordance with the statute made and provided: *And provided, further*, That the cost of location including the cost of a suitable site shall be paid out of the appropriation herein made, and shall not exceed the sum of twenty thousand dollars. *Provided, however*, That the selection of the locality and site for such Penitentiary shall be first submitted by said Commissioners to the Governor, Auditor of Public Accounts and Attorney General for their approval and confirmation; and no such selection of site shall be finally fixed and determined until the same shall have been approved by the Governor, Auditor of Public Accounts and Attorney General, or by two of them.

§ 3. [CONTRACTS FOR BUILDING—HOW MADE.] Said Commissioners may enter into contracts for the building of said Penitentiary, upon such specifications, terms and conditions as they may prescribe, consistent with the conditions of this act. But no Commissioner shall, in any way, be interested in any contract for the erection of said building, or furnishing any materials therefor, nor shall the Commissioners, or either of them ask or accept, on their own account, any gift or gifts in money, freights, lands or other valuable property, as a consideration for the location or choice of site. And a violation of this section shall be deemed a high misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the court in which conviction may be had. But the Commissioners shall not contract for the construction of any building or buildings or any foundation or other portion of the same, which cannot be fully completed and made ready for occupancy and use without the expenditure of any moneys in excess of the appropriation made, and any contract in violation of this provision shall be null and void: *Provided*, That this shall not be construed to forbid the construction of such, and so many wings, cells, houses, shops and other buildings, as can be completed within the appropriation, nor to forbid the erection of such outer walls as the Commissioners may find to be necessary.

§ 4. [BOND—OATH.] That the said Commissioners, before entering upon their duties, and within twenty days after their appointment, shall respectively give their bonds, with good and sufficient sureties,

to the State of Illinois, to be approved by the Governor, in the penalty of twenty-five thousand dollars, conditioned faithfully and promptly to perform the duties prescribed by this act, and each of said Commissioners shall take and subscribe the oath prescribed by section twenty-five article five of the Constitution of this State.

And immediately after the appointment and qualification of said Commissioners, they shall proceed to organize by appointing one of their number President and one Secretary.

§ 5. [DUTY OF COMMISSIONERS—TRANSFER OF CONVICTS.] It shall be the duty of said Commissioners to superintend the construction of said Penitentiary and as speedily as practicable, so far complete the buildings, that at least one hundred of the convicts now confined at Joliet may be removed to such Penitentiary, and when the Commissioners shall report to the Governor that said buildings are ready for the reception of such convicts, he shall order the Warden of the Penitentiary at Joliet to convey the number of prisoners which said Penitentiary buildings are ready to accommodate, from the Penitentiary at Joliet to the said "Southern Illinois Penitentiary," and the Warden shall be paid therefor only the actual costs of transportation and guarding said prisoners; and no prisoners shall be conveyed to the said Penitentiary from Joliet, except such as have at least one year of an unexpired term to serve. And the Commissioners shall as speedily as practicable cause to be constructed permanent cells for the safe confinement of not less than one hundred convicts, to be transferred from the Penitentiary at Joliet in order that their labor may be used in the construction of the Penitentiary buildings provided for in this act, and provision for so doing shall be made in the contract herein provided for: *Provided*, That said Commissioners shall not let any contract nor at any time obligate the State for the payment of any sum above the appropriation previously made.

§ 6. [LEASING CONVICT LABOR.] The convicts conveyed from Joliet to said "Southern Illinois Penitentiary," shall be employed in the construction of said Penitentiary, so far as may be practicable, and in the opinion of said Commissioners the labor of said convicts may be profitable to the State, by leasing such labor to the contractor or contractors for the erection of said Penitentiary, and such leasing of said convict labor to said contractor or contractors may be made by the said Commissioners a condition precedent in letting said contract or contracts. And as soon as said Commissioners shall have made provision for the comfortable treatment and safe keeping of not less than one hundred convicts, to be employed by said contractors they shall certify that fact to the Governor, who shall at once order the Warden of the Penitentiary to transfer the number of convicts required, and deliver them into the custody of the Commissioners of the Southern Penitentiary.

§ 7. [BOND OF CONTRACTOR—ARBITRATION.] The contract to be made with the successful bidder shall be accompanied by a good and sufficient bond, to be approved by the Governor before accepted; and it shall provide for the appointment of a superintendent of construction, who shall carefully and accurately measure the work done, and materials upon the ground, at least once in every month, and for the payment of the contractor upon such measurement, and for the with-

holding of fifteen per cent of the value of the work done, and materials on hand, until the completion of the buildings, as a guaranty for its completion; and for a forfeiture of a stipulated sum per diem for every day that the completion of the work shall be delayed after the time specified for its completion; and for the full protection of sub-contractors, by withholding payment from the contractor, and by paying the sub-contractors directly for all work done or materials furnished by them, in case of failure or refusal on the part of the contractor to fulfill his engagements with them; and for the settlement of all disputed questions, as to the value of alterations and extras, by arbitration, as follows: One arbitrator to be chosen by the Commissioners, one, by the contractor, and one by the Governor, all three of said arbitrators to be practical mechanics and builders. And for the power and privilege of the Commissioners under the contract to order changes in the plans, at their discretion, and to refuse to accept any work which may be done, and not be fully in accordance with the letter and spirit of the plans and specifications, and all work not accepted shall be replaced at the expense of the contractor. And for a deduction from the contract price of all alterations ordered by the Commissioners, which may and do diminish the cost of the building. And for the power and privilege of the Commissioners to furnish such convict labor as they may deem for the best interest of the State, and be able to furnish.

The said contract shall be signed by the President of the Board of Commissioners, on behalf of the Board, after a vote authorizing him so to sign shall have been entered upon the minutes of the Board, and it shall be attested by the counter-signature of the Secretary of the Board. It shall be drawn in duplicate and one copy of the same shall be deposited in the office of the Secretary of State.

§ 8. [ADVERTISING FOR BIDS—SPECIFICATIONS—AWARDING CONTRACTS.] Said Commissioners, after they shall have selected and purchased a location and site for said Penitentiary, shall publish specifications and advertise for bids for thirty days in four daily newspapers in this State and one in the city of St. Louis, for, First, for undressed stone delivered on the ground for the construction of the buildings; Second, for stone in the quarry sufficient for the construction of said buildings; Third, for furnishing slate for roofing said buildings; Fourth, for the necessary locks, switch bars, gratings complete, stairs and galleries for said buildings; Fifth, for the entire material and labor for the construction of said buildings, with the provision that convict labor shall be employed as herein provided; said Penitentiary buildings, to be built of good building stone, and arranged upon the general plan of the Penitentiary at Joliet, but so constructed as to secure good ventilation. At the expiration of thirty days, at an appointed time and place, said Commissioners shall open in the presence of all the bidders present, all the bids that may have been received by them, and shall award the contract or contracts to the lowest and best bidder or bidders, and shall enter into contract with such bidder or bidders for the construction of said Penitentiary buildings, requiring and taking from such contractor or contractors a good and sufficient bond for the faithful performance of said contract, according to said published specifications, said bond and contract to be approved by the

Governor and Auditor of State : *Provided*, The Commissioners shall reserve the right to reject any or all of such bids, and to choose between the different classes of bids, provided for in this section. *And provided also*, That the Commissioners of the Penitentiary at Joliet are hereby authorized to become bidders or contractors on the part of the State for any or all contracts to be let in the construction of the said Penitentiary, and in case any contract is awarded to said Commissioners, they shall not be required to give the bond required of other contractors.

§ 9. [APPROPRIATIONS.] There is hereby appropriated the sum of two hundred thousand dollars for the purchase of such lands as may be selected and deemed necessary by said Commissioners for said Penitentiary, and for the erection of said Penitentiary buildings which amount shall be paid to said Commissioners out of any money in the Treasury not otherwise appropriated, on the warrant of the Auditor of Public Accounts, in sums not exceeding ten thousand dollars at any one time. The Auditor of Public Accounts is hereby authorized to draw his warrant on the Treasurer for the money hereby appropriated, on receiving a certificate of said Commissioners or a majority of them, approved by the Governor that such moneys are necessary for the purpose contemplated by this act, in sums not exceeding ten thousand dollars at one time : *Provided*, That after said Commissioners shall have drawn any amount of money by virtue of this act, they shall not be entitled to draw or receive any more money by virtue hereof, while there shall remain in their hands unexpended the amount of over one thousand dollars, and they shall produce to the Auditor of Public Accounts proper vouchers showing the expenditure of such money.

§ 10. [CONVICT LABOR ON BUILDINGS.] That the convicts committed to the said Penitentiary, be required to labor on or about any buildings necessary therefor, in getting out materials for building such Penitentiary or buildings connected therewith, whenever in the opinion of said Commissioners or any two of them, it may be deemed proper to so employ them.

§ 10½. [PAYMENT FOR CONVICT LABOR.] The said Commissioners shall contract, with the contractors for the building said Penitentiary for the employing of convict labor thereon, as hereinbefore provided, upon terms to be agreed upon between said Commissioners and said contractors, subject to the approval of the Governor, and it shall be the duty of said Commissioners, upon each periodical settlement with said contractors, to retain in the funds herein appropriated, the amount of the contract price of the labor performed by convicts prior to such settlement. *Provided*, That for whatever labor is done by convicts while in the custody and control of the warden of the Penitentiary, at Joliet, payment shall be made to said warden.

§ 11. [NOTICE OF COMPLETION OF PENITENTIARY.] Whenever the said Penitentiary is ready for the accommodation and safe keeping of convicts, the said Commissioners or a majority of them shall certify that fact to the Secretary of State, and thereupon the Secretary of State shall notify all the Judges of the Circuit Courts and other Courts having criminal jurisdiction, in the counties lying south of the following tier of counties, to-wit: Iroquois, Ford, Livingston, Woodford, Peoria, Knox, Warren and Henderson, and after such notice, all

convicts sentenced to the Penitentiary in the counties aforesaid, shall be committed to the Penitentiary provided for by this act. *Provided*, That the authorities in charge of the Southern Illinois Penitentiary and the one at Joliet may, with the approval of the Governor, make such exchange of prisoners from one building to the other as good discipline and the interest of the State may require.

§ 12. [REMOVAL OF CONVICTS.] Upon the removal of convicts from Joliet to said Penitentiary, as provided for by this act, the said Commissioners shall appoint a Warden, Chaplain and Physician, as is now provided for by law, for the management of the "Illinois State Penitentiary at Joliet," and all laws, rules and regulations now in force for the government and conducting of the "Illinois State Penitentiary at Joliet," so far as they will apply, shall be applicable to the government and conducting of the Penitentiary hereby created.

§ 13. [TERM OF OFFICE—VACANCY—SALARY.] The said Commissioners shall be appointed by the Governor, with the advice and consent of the Senate, and their term of office shall be six years; *Provided*, that the terms of office of the three first appointed shall be so arranged by lot that the term of one shall expire on the 30th day of December, A. D. 1878, and biennially thereafter the term of one of said commissioners shall expire. All vacancies created, as well as all vacancies occurring otherwise, shall be filled by the Governor, with the advice and consent of the Senate, but all appointments to fill vacancies occasioned by death, resignation or removal from office, shall be made for the residue only of such term or terms; *And provided also*, That appointments made when the Senate is not in session may be confirmed at its next session. The commissioners appointed under this act shall be subject to removal by the Governor at his discretion, and the cause of such removal shall be reported by him to the next General Assembly. The salary of said commissioners shall be fifteen hundred dollars per annum and no more.

§ 14. [UNIFORMITY OF REGULATIONS.] In order that uniformity may prevail in the Penitentiary system of this State, all laws and regulations now in force, for the government and management of the Penitentiary at Joliet, shall hereby, so far as practicable, apply to the government and management of said "Illinois Southern Penitentiary."

APPROVED May 24, 1877.

FOR REFORM SCHOOL.

§ 1. Appropriates \$34,200 per annum and \$2,467. | § 2. When and how drawn.

AN ACT making appropriations for the State Reform School at Pontiac. *Approved May 18, 1877. In force July 1, 1877.*

SECTION 1. [APPROPRIATES \$34,200 PER ANNUM, AND \$2,467.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the following sums be, and are hereby appropriated to the State Reform School at Pontiac, for the purposes herein specified:

For ordinary expenses, thirty thousand dollars (\$30,000) per annum, payable quarterly in advance, from the 1st of July, 1877, to the expiration of the first fiscal quarter after the adjournment of the next General Assembly. For additional building a re-appropriation of nine thousand dollars (\$9,000) unexpended balance, and the further sum of five thousand five hundred dollars (\$5,500) for said building, and five hundred dollars for furnishing and heating.

For attorney's fees, printing briefs for Supreme Court, and expenses in suit vs. E. A. Clement, four hundred dollars (\$400), to be taken from the dividend of the estate of Jonathan Duff (bankrupt).

For replenishing library and furnishing papers, the sum of two hundred dollars (\$200) per annum.

For keeping roof in repairs, the unexpended balance of former appropriation, ten hundred sixty-seven dollars (\$1,067).

For improvements and repairs, two thousand dollars (\$2,000) per annum.

For repairing workshop, one thousand dollars (\$1,000).

§ 2. [WHEN AND HOW DRAWN.] The Auditor of Public Accounts is hereby authorized and required to draw his warrant upon the Treasurer for the moneys herein appropriated, upon the order of the Board of Trustees, signed by the President and attested by the Secretary with the corporate seal of the institution: *Provided*, No installment of said appropriations shall be due or payable until the State Commissioners of Public Charities shall have certified to the Governor the accuracy of the statements and accompanying vouchers, which certificate shall be approved by the Governor and delivered to the Auditor of Public Accounts.

APPROVED May 18, 1877.

FOR ILLINOIS SOLDIERS' ORPHANS' HOME.

§ 1. Appropriates \$45,000 per annum.

§ 2. Appropriates for repairs, furniture and books.

§ 3. When and how drawn.

AN ACT to make Appropriations for the Illinois Soldiers' Orphans' Home and to maintain said Institution for the next two years. Approved May 17, 1877. In force July 1, 1877.

SECTION 1. [APPROPRIATES \$45,000 PER ANNUM.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That from and after the first day of July, A. D. 1877, until the expiration of the first fiscal quarter after the adjournment of the next regular session of the General Assembly, there is hereby appropriated to the Soldiers' Orphans' Home the sum of forty-five thousand dollars (\$45,000) per annum, payable quarterly in advance, for the support, education, nurture and care of the children of deceased and disabled soldiers.

§ 2. [APPROPRIATES FOR REPAIRS, FURNITURE AND BOOKS.] And there is further appropriated, for the following purposes, viz: For repairs and improvements, fifteen hundred dollars (\$1,500) per annum; for a new roof on main building, twelve hundred dollars (\$1,200); for the construction of new floors, one thousand dollars

(\$1,000) ; for painting roof and cupola, two hundred and seventy-five dollars (\$275) ; for painting, graining and varnishing in main building and school house, twelve hundred dollars (\$1,200) ; for calcimining and whitewashing, four hundred dollars (\$400) ; for plastering, four hundred dollars (\$400) ; for additional furniture, one thousand five hundred dollars (\$1,500) ; for library, school books and other reading matter, two hundred and fifty dollars (\$250) per annum.

§ 3. [WHEN AND HOW DRAWN.] The Auditor of Public Accounts is hereby authorized and directed to draw his warrant upon the State Treasurer for the amounts herein appropriated, upon the order of the Board of Trustees, signed by the President, and attested by the Secretary, with the seal of the Institution, subject to the provisions of sections eighteen, (18), nineteen (19) and twenty (20), of an Act to regulate the State Institutions, etc, approved April 15, A. D. 1875.

APPROVED May 17, 1877.

FOR THE IMPROVEMENT OF OUTLET OF SPRING LAKE.

§ 1. Appropriates. \$6,200.

AN ACT to appropriate money for the improvement of an outlet from Spring Lake to the Illinois River. Approved May 17 1877. In force July 1 1877.

SECTION 1. [APPROPRIATES \$6,200.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sum of six thousand two hundred dollars (\$6,200) from the net revenues of the Illinois and Michigan canal, of the year 1877, or as much thereof as may be necessary, shall be and the same is hereby appropriated to be expended by the Canal Commissioners in opening an outlet from Spring Lake to the Illinois river, above the lock and dam at Copperas Creek, in such manner as will afford a safe and convenient passage, for canal boats, or other water crafts of like size, to and from said lake into the Illinois river.

APPROVED May 17, 1877.

STATE GOVERNMENT.

FOR INCIDENTAL EXPENSES OF THE THIRTIETH GENERAL ASSEMBLY.

§ 1. Appropriates for incidental expenses	§ 2. When and how drawn.
which have and will accrue.	§ 3. Emergency Clause.

AN ACT to provide for the payment of the incidental expenses of the Thirtieth General Assembly, which have accrued and will accrue prior to July 1, 1877. Approved and in force April 27, 1877.

SECTION 1. [APPROPRIATED FOR INCIDENTAL EXPENSES.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sum of thirty thousand (\$30,000) dollars, or so much thereof as may be necessary, be and the same is hereby appropriated for the

payment of the incidental expenses of the Thirtieth General Assembly, which have accrued or will accrue, prior to July 1st, 1877, including repairs, material, pay of extra janitors, policemen, laborers, furniture, and for such other incidental expenses as are not otherwise provided for. All bills of expense incurred by order of either branch of the General Assembly to be paid upon the certificate of the presiding officer of that branch of the General Assembly, for which the indebtedness was incurred, and also certified by the Secretary of State, and approved by the Governor. All other expenditures to be certified by the Secretary of State, and approved by the Governor.

§ 2. WHEN AND HOW PAID.] The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the State Treasurer for the sums herein specified, upon presentation of the proper vouchers, and the State Treasurer shall pay the same out of any funds in the Treasury, not otherwise appropriated.

§ 3. [EMERGENCY.] Whereas, the appropriation above recited is necessary for the transaction of business of this General Assembly, therefore an emergency exists, and this act shall take effect and be in force from and after its passage.

APPROVED April 27, 1877.

FOR EXPENSES OF STATE GOVERNMENT, ETC.

§ 1. Appropriations till 30th of June.
 § 2. When and how drawn.

§ 3. Emergency.

AN ACT to provide for the necessary expenses of the State Government and the General Assembly, incurred, or to be incurred, and now unprovided for, until the 30th day of June, 1877. Approved and in force May 16, 1877.

SECTION 1. [APPROPRIATES TILL JUNE 30.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the following appropriations, or so much thereof as may be necessary, be, and the same are hereby made to meet the necessary expenses of the State Government, and the General Assembly, incurred, or to be incurred, and now unprovided for, until the 30th day of June, 1877.

First. The sum of ten thousand dollars for the payment of the interest on the public debt of the State, to be paid by the State Treasurer as now provided by law.

Second. The sum of three thousand dollars for the payment of the expenses of arresting and returning fugitives from justice, to be paid by the State Treasurer as now provided by law.

Third. The sum of ten thousand dollars for the payment of the expenses of conveying convicts to the State Penitentiary, to be paid by the State Treasurer as now provided by law.

Fourth. The sum of two hundred dollars for the payment in full of the last contract for the distribution of the Laws, Journals, etc., and two hundred dollars for the present contract in part payment of the same to be paid by the State Treasurer as now provided by law.

Fifth. The sum of four hundred and thirty-five dollars for the pay-

ment in full of the last contract for State binding, and one thousand dollars for the present contract, in part payment of the same, to be paid by the State Treasurer, as now provided by law.

Sixth. The sum of eighty-three and twelve one-hundredth dollars for the payment in full of the contract for copying the Laws, Journals, etc., of the Twenty-ninth General Assembly; and three hundred dollars for the present contract, in part payment of the same, to be paid by the State Treasurer, as now provided by law.

Seventh. The sum of one thousand dollars for postage repairs, telegraphing, and other incidental office expenses of the Secretary of State, to be paid by the State Treasurer, as now provided by law.

Eighth. The sum of eight hundred dollars for repairs, telegraphing, postage, and other incidental expenses in office of the Attorney-General, to be paid by the State Treasurer as now provided for.

Ninth. The sum of two hundred dollars for incidental and office expenses of the Custodian United States Surveys, to be paid by the State Treasurer, as now provided by law.

Tenth. The sum of one thousand dollars for postage, repairs, telegraphing and other incidental expenses of the office of the Superintendent of Public Instruction, to be paid by the State Treasurer as now provided by law.

Eleventh. The sum of five hundred dollars for the incidental office expenses of the State Treasurer, including repairs, postage, telegraphing, to be paid by the State Treasurer, as now provided by law.

Twelfth. The sum of eleven hundred dollars, being balance due to the members of the State Board of Equalization during their session of 1876, to be paid by the State Treasurer, as now provided by law.

§ 2. [WHEN AND HOW DRAWN.] The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the State Treasurer for the sums herein specified upon presentation of the proper vouchers, and the State Treasurer shall pay the same out of any funds in the Treasury not otherwise appropriated.

§ 3. [EMERGENCY.] WHEREAS, The appropriations above recited are necessary for the transaction of the business of the State and General Assembly; therefore; an emergency exists, and this act shall take effect and be in force from and after its passage.

APPROVED May 16, 1877.

TO PAY OFFICERS OF GENERAL ASSEMBLY, ETC.

§ 1. Appropriates \$700,000, etc.

AN ACT making an appropriation for the payment of the officers and members of the next General Assembly, and for the salaries of the officers of the State Government. Approved May 22, 1877. In force July 1, 1877.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That there be, and is hereby appropriated, the sum of seven hundred thousand dollars (\$700,000), or so

much thereof as may be necessary, to pay the officers and members of the next General Assembly, and the salaries of the officers of the State Government, at such rate of compensation as is now, or hereafter may be fixed by law, until the expiration of the first fiscal quarter after the adjournment of the next regular session of the General Assembly.

APPROVED May 22, 1877.

FOR ORDINARY AND CONTINGENT EXPENSES OF THE GOVERNMENT.

- § 1. Appropriates for ordinary and contingent | expenses, etc. § 2. When and how drawn.

AN ACT to provide for the ordinary and contingent expenses of the State Government until the expiration of the first fiscal quarter after the adjournment of the next regular session of the General Assembly, and for the purpose of suspending the salaries of the State House Commissioners from July 1st, A. D. 1877, until provision is made for funds to complete the State House building. Approved May 24, 1877. In force July 1, 1877.

SECTION 1. [APPROPRIATES FOR ORDINARY AND CONTINGENT EXPENSES.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the following named sums be and they are hereby appropriated to meet the ordinary and contingent expenses of the State Government until the expiration of the first fiscal quarter after the adjournment of the next regular session of the General Assembly.

First. A sum not exceeding three thousand dollars (\$3,000) per annum, shall be subject to the order of the Governor for defraying all such public expenses of the State Government as are unforeseen by the General Assembly, and not otherwise provided for by law, payments to be made from time to time upon bills of particulars certified by the Governor.

Second. The sum of three thousand five hundred dollars (\$3,500) per annum for clerk hire in the Governor's office, payable quarterly upon the Governor's order.

Third. To the Governor's office for postage, express, telegraphing and other incidental office expenses, a sum not exceeding seven hundred and fifty dollars (\$750), per annum, to be paid on bills of particulars, certified by the Governor.

Fourth. To the Governor's office, for porter, six hundred dollars (\$600), per annum, payable quarterly, upon the order of the Governor. To the Governor, for repairs and care of executive mansion and grounds, and for no other purpose, thirty-five hundred dollars (\$3,500), per annum, to be paid upon bills of particulars, certified to by the Governor.

Fifth. To the Secretary of State, for clerk hire in his office, the sum of nine thousand and five hundred dollars (\$9,500), per annum, payable quarterly on his order. To the Secretary of State, for repairs, postage, expressage, telegraphing and other incidental expenses of the

office, a sum not exceeding three thousand five hundred dollars (\$3,500), per annum, payable upon bills of particulars, certified by the Secretary of State and approved by the Governor. To the Secretary of State, for two porters, and messengers, the sum of eight hundred dollars (\$800), each per annum, payable quarterly on his order; also, for continuing the work of indexing, classifying and arranging the files and records of the office of the State Department, the sum of three thousand dollars (\$3,000), per annum, payable on bills of particulars, certified by the Secretary of State and approved by the Governor.

To the Secretary of State for advertising as provided by law, water rents and for all other expenses necessarily incurred by the Secretary of State in the discharge of the duties imposed upon him by law, and for which no other appropriations have been made the sum of nineteen thousand dollars (\$19,000), to be paid upon bills of particulars certified by the Secretary of State and approved by the Governor.

Sixth. To the Auditor of Public Accounts, for clerk hire, the sum of seven thousand five hundred dollars (\$7,500), per annum, to be paid quarterly.

To the Auditor of Public Accounts, for one porter and messenger, the sum of six hundred dollars (\$600), per annum, payable quarterly on his order.

To the office of the Auditor of Public Accounts, for repairs, postage, express charges, telegraphing and other necessary expenses incurred in the discharge of the duties thereof, a sum not exceeding fifteen hundred dollars (\$1,500), per annum.

Seventh. To the State Treasurer, for clerk hire the sum of three thousand dollars (\$3,000) per annum, payable quarterly on his order.

To the office of the State Treasurer for repairs, express charges, postage, telegraphing and other necessary office expenses, a sum not exceeding one thousand dollars (\$1,000), per annum, payable upon bills of particulars certified by him and approved by the Governor.

To the State Treasurer the sum of twenty-seven hundred dollars (\$2,700) per annum, for two night and one day watchman, and the sum of eight hundred dollars (\$800) per annum, for one porter, payable quarterly on his order.

Eighth. To the Superintendent of Public Instruction, for clerk hire, the sum of two thousand seven hundred dollars (\$2,700), per annum, and for a janitor, porter and messenger, who shall also perform the duties of clerk when not otherwise employed, the sum of eight hundred dollars (\$800), per annum, payable quarterly on his order. To the Superintendent of Public Instruction for repairs, periodicals and educational works, and other necessary expenses of said office a sum not exceeding fifteen hundred dollars (\$1,500) per annum, payable on bills of particulars, certified by him and approved by the Governor. Appropriations made by this clause to be paid out of the State School funds.

Ninth. To the Attorney General for clerk hire the sum of twenty-five hundred dollars (\$2,500) per annum, payable quarterly on his order. For porter and messenger for the Attorney General; the sum of six hundred dollars (\$600) per annum, payable quarterly on his order. To the office of the Attorney General for telegraphing, postage and other necessary expenses of the Attorney General incurred in

the discharge of the duties of his office, a sum not exceeding two thousand dollars (\$2,000) per annum, payable on bills of particulars certified by him and approved by the Governor.

Tenth. To the office of the Adjutant General, the sum of six hundred dollars (\$600) per annum, for janitor and ordnance Sergeant to keep the State arms in order, payable on his order. Also, for telegraphing, postage and office expenses, a sum not exceeding seven hundred dollars (\$700), per annum. For repairs to arsenal buildings ——— and payable on bills of particulars certified by the Adjutant General and approved by the Governor.

Eleventh. To the custodian of field notes and surveys, for his office expenses, the sum of six hundred dollars (\$600), per annum, payable on bills of particulars certified by him and approved by the Governor.

Twelfth. To the Board of Public Charities, for expenses, including the salary of a secretary and clerk, a sum not exceeding five thousand and five hundred dollars (\$5,500), per annum, payable quarterly on bills of particulars approved by the Governor.

Thirteenth. A sum not exceeding two thousand dollars (\$2,000), per annum, for costs and expenses on State suits, to be paid on bills of particulars certified by the Auditor and approved by the Governor.

Fourteenth. A sum not exceeding ten thousand dollars (\$10,000) per annum, or so much thereof as may be needed, for the apprehension and delivery of fugitives from justice, to be paid on the evidence required by law, certified to and approved by the Governor.

Fifteenth. The sum of twenty-five thousand dollars (\$25,000), per annum, or so much thereof as may be needed, for conveying convicts to the Penitentiary, to be paid on the Warden's certificate, at the compensation fixed by the general law, the Auditor to compute the distance by the nearest railroad route.

Sixteenth. The sum of three thousand dollars (\$3,000), per annum, or so much thereof as may be needed, for conveying juvenile offenders to the Reform School at Pontiac, on the certificate of delivery at the rate of compensation allowed by law, the Auditor to compute the distance by the nearest railroad route.

Seventeenth. For printing paper and for stationery for the use of the General Assembly and executive departments, purchased on contracts as required by law, payable on delivery thereof, on bills of particulars certified to by the board of commissioners of State contracts, and approved by the Governor, the sum of fifteen thousand dollars (\$15,000), or so much thereof as may be necessary, payable out of the levy of 1876, and twenty thousand dollars (\$20,000), payable out of the levy of 1877.

Eighteenth. There is hereby appropriated to defray the incidental and contingent expenses of the Supreme Court, to wit: For stationery, repairs, furniture, express, books and other expenses deemed necessary by the court, the following sums: To the Northern Grand Division, the sum of three thousand dollars (\$3,000) per annum; to the Central Grand Division the sum of two thousand dollars (\$2,000) per annum; to the Southern Grand Division the sum of one thousand five hundred dollars (\$1,500), per annum, the same to be paid upon bills of particulars certified to by at least two of the justices of said court. The sum of three hundred dollars (\$300) per annum to North-

ern and Southern Grand Division, and the sum of seven hundred and fifty dollars (\$750) to the Central Grand Division of said court for salary of librarian, said librarian of the Central Grand Division to be appointed by the Judges of the Supreme Court, and care of library, payable quarterly on the certificate of at least two of the justices of said court. The sum of three hundred dollars (\$300) per annum to the Northern and Southern Grand Divisions of said court, and for the Central Grand Division of said court, the sum of six hundred dollars (\$600) for the pay of janitors to perform such duties as shall be determined by said justices, to be paid quarterly on the order of at least two of the justices of said court.

Nineteenth. For public printing, eighteen thousand dollars (\$18,000), or so much thereof as may be required. For public binding, five thousand dollars (\$5,000), per annum, or as much thereof as may be required. The public printing and binding to be paid for according to the contract upon the order of the Board of Commissioners of State contracts, approved by the Governor.

Twentieth. The sum of fifty-seven thousand dollars (\$57,000), or so much thereof as may be necessary to pay the interest on the school fund, distributed annually in pursuance of law, the amount appropriated under this clause to be paid out of the Illinois Central Railroad fund.

Twenty-first. The sum of one million dollars, (\$1,000,000), annually out of the State school fund to pay the amount of the Auditor's orders, and for distribution of said fund to the several counties. The Auditor shall issue his warrants on the proper evidence that the amount distributed has been paid to the county school superintendents.

Twenty-second. Such sums as may be necessary, not to exceed twenty thousand dollars (\$20,000), to refund the taxes on real estate sold or paid in error and for over payments of collector's accounts, under laws governing such cases, to be paid out of the proper funds.

Twenty-third. That for laborers, janitors and watchmen of the State House, who shall perform such duties as shall be assigned to them by the Secretary of State, the sum of four thousand dollars (\$4,000) per annum, payable quarterly, upon the order of said Secretary of State.

Twenty-fourth. The sum of eighty-six thousand dollars (\$86,000) per annum, or so much thereof as may be needed, to pay the interest on the bonded debt of the State, to be paid on the certified account of the State Treasurer, approved by the Governor. The amount appropriated by this clause to be paid out of the Illinois Central railroad fund.

Twenty-fifth. To the railroad and warehouse commissioners, for the incidental expenses of their office, including care, stationery, postage and telegraphing expenses, extra clerk hire, the fees of experts employed, and for the Secretary's salary, and for all necessary expenditures except those hereinafter provided for, a sum not to exceed four thousand dollars (\$4,000) per annum. For expenses incurred in suit or investigations commenced by the authority of the State under any law now in force or hereafter to be enacted, empowering or instructing the Board of Commissioners, the sum of five thousand dollars (\$5,000) per annum, or such part thereof as may be needed for such pur-

pose; the appropriations made by this clause to be paid upon detailed statements filed with the Auditor, bearing the order of the board and the approval of the Governor.

Twenty-sixth. To the employees of the next General Assembly, a sum not to exceed fifty thousand dollars (\$50,000) to pay the compensation allowed them by law, to be paid on pay-rolls certified by the presiding officers of the respective houses.

Twenty-seventh. The sum of three thousand dollars (\$3,000) per annum for rewards for arrest of fugitives from justice, to be paid upon bills of particulars, having the order of the Governor indorsed thereon.

Twenty-eighth. For copying the laws, journals and joint resolutions of the General Assembly, as provided by law, twelve hundred dollars (\$1,200); for distribution of the laws, journals and other State documents and incidental expenses connected therewith the sum of one thousand dollars (\$1,000.)

Twenty-ninth. For heating, fuel, engineers and firemen of the State House, the sum of ten thousand dollars (\$10,000) per annum, or so much thereof as may be necessary; for lighting the State House, the sum of three thousand five hundred dollars (\$3,500) per annum, or so much thereof as may be necessary, to be paid upon bills of particulars, certified by the Secretary of State and approved by the Governor.

Thirtieth. The sum of five thousand dollars (\$5,000), or so much thereof as may be needed, to pay the necessary expenses of the different standing and special committees of the two houses, their experts, witnesses and clerks, of the thirtieth (30th) General Assembly, payable on the certificates of the chairman of the respective committees, approved by the presiding officers of the respective houses.

Thirty-first. To State Board of Equalization, for paying expenses, a sum not to exceed ten thousand dollars (\$10,000) per annum, payable in the manner provided by law.

Thirty-second. The sum of five hundred dollars (\$500), or so much thereof as may be needed to purchase a portrait of Ex-Governor John L. Beveridge, to be hung in the executive mansion, as provided by joint resolution of the two houses. The sum of eighteen hundred and ninety-seven dollars and fifty cents (\$1,897.50) to A. H. Worthen, as State Geologist, for superintending the publication of volume six (6) of the Geological Survey and the State maps accompanying the same, from July 1st, 1875, to March 31st, 1876, and for office expenses during such time.

Thirty-third. The sum of three thousand dollars (\$3,000) to the Auditor of Public Accounts for the purpose of copying, comparing and transcribing the original entries of lands in this State.

Thirty-fourth. The sum of one thousand dollars (\$1,000) to defray the expenses of the Commissioner to attend the International Congress at Stockholm, to be paid upon the order of the Commissioner, approved by the Governor.

Thirty-fifth. The sum of one thousand dollars (\$1,000) per annum, for the purchase of books for the State Penitentiary library at Joliet, to be paid upon bills of particulars having the order of the Governor endorsed thereon.

Thirty-sixth. The sum of _____ dollars (\$) is hereby appropriated to be paid out of the treasury on the order of the Fish Com-

missioners, to be incurred in carrying out the provisions of the act entitled "An act for the Propagation of Fish."

Thirty-seventh. Such sum as may be necessary to enable the Secretary of State to purchase such volumes of the reports of the decisions of the Supreme Court as he is or may be by law required to purchase, to be paid on bills certified by the Secretary of State and approved by the Governor. To the State House Commissioners, the sum of twenty-eight thousand and four hundred dollars (\$28,400), being the amount heretofore expended out of the State House funds for purposes not properly chargeable to said funds, in addition to the unexpended balance of the appropriation heretofore made for the new State House, which balance is hereby re-appropriated to be expended under their direction, and payable as heretofore on their certificate, with the approval of the Governor, for the covering in and protection of the upper dome, and in fitting up the Law Library of the Supreme Court, the Agricultural, Geological and Natural History Museums, and for such other work as they may deem necessary, and for the protection of the building: *Provided*, That no portion of the moneys herein appropriated shall be paid to the architect as commissions on expenditures: *And provided further*, That no portion thereof shall be paid to the State House Commissioners for their services, and that their salaries shall be and are hereby suspended, and that they receive no further compensation for their services from and after the first day of July, 1877, until provision is made for funds to complete the building in the manner provided in article four (4), section thirty-three (33), of the Constitution of the State. The amount of the Illinois Central Railroad fund remaining in the State Treasury after the payment of the January, 1878, interest on the State Debt, is hereby appropriated for the payment of the principal of such State bonds redeemable at the pleasure of the State after 1877, as may be called in by proclamation of the Governor; and the Auditor shall issue his warrant upon the proper evidence of the surrender of the bonds approved by the Governor.

§ 2. [WHEN AND HOW DRAWN.] The Auditor of Public Accounts is hereby authorized and directed to draw his warrants on the State Treasurer for the sums herein specified upon presentation of the proper vouchers, and the State Treasurer shall pay the same out of the proper funds in the Treasury not otherwise appropriated. The said warrants shall be drawn in favor and payable to the order of the persons entitled thereto.

APPROVED May 24, 1877.

STATE HOUSE.

FOR COMPLETION AND FURNISHING STATE HOUSE.

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| § 1. Conditional appropriation.
§ 2. Manner of submitting question.
§ 3. Canvass and return of votes. | § 4. Who to canvass—Money how drawn.
§ 5. Submitting question again.
§ 6. Salaries suspended. |
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AN ACT to provide means for the completion, and furnishing the State House, and for the improvement of the Grounds, and to suspend the payment of the salaries of the State House Commissioners; to provide for the safe-keeping of the records of their office, and to regulate the pay and employment of employes by such Commissioners. Approved May 18, 1877. In force July 1, 1877.

SECTION 1. [CONDITIONAL APPROPRIATION.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the sum of five hundred and thirty-one thousand seven hundred and twelve dollars and eighteen cents (\$531,712.18) be, and the same is hereby appropriated for the completion, and furnishing of the State House, and for the improvement of the grounds; payable as hereinafter provided out of any moneys in the treasury not otherwise appropriated: Provided, That a majority of all the votes cast at the next general election, as hereinafter provided, shall be in favor of such appropriation.*

§ 2. [MATTER OF SUBMITTING QUESTION.] At the next general election to be held in this State on the first Tuesday after the first Monday in November, A. D. 1877, the question shall be submitted to the legal voters of this State whether or not they are in favor of the appropriation, as provided in section one (1) of this act. In the notices for election required to be furnished by the county clerk in section 46, chapter 46, Elections, of the Revised Statutes of 1874, in addition to the several offices to be filled he will also insert the words, "Also to vote for the appropriation for the State House, or against the appropriation for the State House." Those in favor of such appropriation shall have written or printed, or partly written and partly printed on their ballots: "For the \$531,712.18 appropriation;" those opposed, "Against the \$531,712.18 appropriation."

§ 3. CANVASS AND RETURN OF VOTES.] It shall be the duty of the judges of election, in making a canvass and return of the votes cast at such election to the county clerk, in addition to the returns for the several officers voted for, to certify to the whole number of votes cast in such election precinct or district at said election; also to certify to the whole number of votes cast in favor of such appropriation, which returns when so made to the county clerk shall be abstracted by the proper officers, and forwarded directed to the Secretary of State, within the time and in the man[ner] as now required by law, in the case of votes cast for Representatives to the General Assembly.

§ 4. [WHO TO CANVASS—MONEY HOW DRAWN.] The Secretary of State, Auditor, Treasurer and Attorney-General, or any two of them, in the presence of the Governor, shall, as required by section

78, chapter 46, aforesaid, proceed to canvass the votes cast for such appropriation, and shall certify the result of such canvass to the Governor, who shall within five days thereafter cause proclamation of such result to be made; and if it shall appear from such proclamation that a majority of all the votes cast at such election were in favor of such appropriation, the same shall take immediate effect, and be in force from and after the date of such proclamation, and payable as follows: Two hundred thousand dollars (\$200,000) thereof immediately thereafter, out of any unexpended balances in the Treasury, and the remaining three hundred and thirty-one thousand seven hundred and twelve dollars and eighteen cents (\$331,712.18), or so much thereof as may be necessary, shall be payable at such time or times as may hereafter be provided by the General Assembly, and the Auditor of Public Accounts will thereupon draw his warrants on the treasury, payable out of such appropriation, on the accounts of expenditure as heretofore, when duly certified to by the State House Commissioners, or a majority of them, and approved by the Governor.

§ 5. [SUBMITTING QUESTION AGAIN.] In case that a majority of all the voters voting at such election do not vote in favor of the appropriation, the same question may again be submitted to the legal voters at any subsequent general election, on the proclamation of the Governor or the notices to be given, and result obtained in the same manner as hereinbefore provided.

§ 6. [SALARIES SUSPENDED.] That the salaries of the State House Commissioners are hereby suspended, and that they receive no further compensation as such Commissioners from and after the first (1st) day of June, A. D. 1877, until further provision is made for funds to proceed with the work on the new State House; and that during such suspension of payment, all the books and papers pertaining to their work, in their possession, be placed for safe keeping in charge of the Secretary of State; and that during such suspension of payment, said Commissioners shall not employ nor pay any architect or clerk.

APPROVED May 18, 1877.

STATE HOUSE GROUNDS.

TO PURCHASE FOUR ACRES SOUTH OF STATE HOUSE.

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| § 1. Duty of Secretary to make demand—Notice to obligors. | § 3. Report—Condemnation—Title. |
| § 2. If not procured to be condemned. | § 4. Payment of Condemnation Money. |
| | § 5. Suit on bond. |

AN ACT to secure to the State of Illinois four acres of additional grounds lying south of and adjoining the new Capitol grounds. Approved May 21, 1877. In force July 1, 1877.

WHEREAS, By an Act entitled "An Act to make further appropriations for the construction of the new State House," approved June 14, 1871, the sum of five hundred thousand dollars (\$500,000) was appro-

priated for that purpose; and whereas, it was also provided by said act that no part of said appropriation should be paid out of the State treasury until there should be filed with the Secretary of State a good and sufficient bond of individuals in favor of the people of the State of Illinois, in the penal sum of five hundred thousand dollars (\$500,000) to be approved by the Governor of the State of Illinois, conditioned that the obligors would procure or cause to be obtained for the State of Illinois such additional grounds as the State might indicate and require whenever so demanded, not exceeding four acres to the south of and adjoining the new Capitol grounds, free of cost to the State; or in case said grounds could not be furnished by said individuals, or they should refuse to do so, then the State might proceed to condemn such grounds as it might require for the purpose of enlarging said Capitol grounds; and the amount assessed for the same under such condemnation should be paid by the obligors of said bond; and, whereas, it is further provided by said act that the demand by the State for such additional grounds, and the condemnation, if necessary, shall be made within two years after the new State House is ready for the use of the two houses of the General Assembly; and, whereas, the bond by said act required was, on the 8th day of August, 1871, filed in the office of the Secretary of State, and approved by the Governor of the State of Illinois; and, whereas, said new State House is now ready for the use of the two houses of the General Assembly, therefore

SECTION 1. [DUTY OF SECRETARY TO MAKE DEMAND—NOTICE TO OBLIGORS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Secretary of State is hereby authorized and required to immediately ascertain and indicate four acres of such additional grounds, lying to the south of, and adjoining the new Capitol grounds, or so much thereof as the State may require, for the purpose of enlarging said Capitol grounds, and as soon as said lands are so ascertained and indicated, it shall be the duty of the Secretary of State, within sixty days after said additional grounds are so ascertained and indicated, to make out and deliver to each and every of said obligors, a demand in writing, which said demand in writing shall contain and set forth an accurate description of the lands so ascertained and required, and shall contain a notification to, and a demand of said obligors, to procure and furnish to the State of Illinois, free of cost to said State, within four months after such demand, the lands so ascertained and indicated, and in said demand in writing described. In case any of said obligors shall be absent from their usual place of abode, then said demand may be served and made upon such absent obligor or obligors, by leaving a duplicate copy of said demand at the usual place of abode of each of said absent obligors, with a member of the family, above the age of ten years; and in case any of said obligors shall be non-residents of this State, then said Secretary of State shall publish such demand in a newspaper published in the city of Springfield, county of Sangamon and State of Illinois, once each week for three successive weeks, and shall also within ten days after the first publication of said demand send a copy thereof by mail, addressed to such non-resident obligor or obligors, if his or their postoffice is known to him; and as to such non-resident obligors such publication shall

be deemed a sufficient demand within the meaning of this act, and of the said act approved June 14, 1871.

§ 2. [IF NOT PROCURED TO BE CONDEMNED.] In case said obligors shall not, within four months after such demand, procure, or cause to be obtained, for the use of the State of Illinois, the grounds so ascertained free of cost to the State, then the Governor of the State of Illinois shall, on the application of the Attorney General of the State, appoint three reputable and disinterested freeholders, citizens of the State of Illinois, commissioners to condemn said ground for the use of the State, and to ascertain and report the compensation to be made to the owner or owners of said grounds therefor, and for such damages as may be occasioned by the condemnation and taking of said grounds by the State, to other lands of said owners adjoining thereto, and that before proceeding to make said condemnation said commissioners shall take the oath prescribed in section eight of an act entitled "An act to provide for the exercise of the right of eminent domain," approved April 10, 1872.

§ 3. [REPORT—CONDEMNATION—TITLE.] After making such condemnation said commissioners shall make a report in writing of their proceedings therein describing the lands so condemned by them, and the amount or amounts of the compensation by them ascertained and to be made to the owner or owners of said lands, respectively, and shall subscribe and file the same in the office of the Secretary of State, and thereupon the title to the said lands shall vest and be in the State of Illinois.

§ 4. PAYMENT OF CONDEMNATION MONEY.] Upon the filing of said report in the office of said Secretary of State, he shall make out and file a certified copy thereof with the Auditor of Public Accounts of this State, who shall, thereupon, draw his warrant or warrants upon the Treasurer of this State in favor of the owner or owners of the lands so condemned, and said Treasurer shall, upon presentation by such owner or owners, respectively, of said warrants, pay to said owner or owners the amount or amounts so reported to be due him or them, respectively, out of any moneys in said treasury appropriated for State House purposes.

§ 5. [SUIT ON BOND.] In case the condemnation of said lands shall be necessary, and the obligors in said bonds shall not within thirty days after the report of said condemnation shall be filed with the Secretary of State, pay to the Treasurer of this State the total sum so reported by said commissioners as compensation for the lands so condemned and taken or damaged together with all costs and charges of said condemnation, it shall be the duty of the Attorney General of this State, and he is hereby required, to institute suit on said bond and collect from the obligors thereof, the aggregate amount of the compensation so awarded, to the owner or owners of said land, and the costs and charges of said condemnation; and upon making such collection he shall pay the same into the State Treasury.

APPROVED May 21, 1877.

TO REIMBURSE WILLIAMSON AND JACKSON COUNTIES.

- § 1. Appropriates \$7,296.
- § 2. Appropriates \$3,550.
- § 3. Appropriates \$800.

- § 4. Appropriates \$2,942.
- § 5. When and how drawn.

AN ACT to reimburse the counties of Williamson and Jackson for amounts expended by said counties in suppressing an insurrection against the laws of this State, known as the Williamson County Vendetta. Approved May 18, 1877. In force July 1, 1877.

SECTION 1. [APPROPRIATES \$7,296.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly.* That the sum of seven thousand two hundred and ninety-six dollars (\$7,296) be and the same is hereby appropriated to reimburse the county of Williamson, for that amount of money, advanced and paid by said county, as rewards for the apprehension and delivery to the Sheriff of said county of Marshall Crain, William J. Crain, Samuel Music and James Norris, and for the hire of guards to guard the jail of said county during the confinement therein of the persons above named together with one Black Bill Crain.

§ 2. [APPROPRIATES \$3,550.] That the sum of three thousand five hundred and fifty dollars (\$3,550) be and the same is hereby appropriated to reimburse the said county of Williamson for attorney's fees paid by said county in the prosecution and conviction of the parties hereinbefore named.

§ 3. [APPROPRIATES \$800.] That the sum of three hundred dollars (\$300) be, and the same is hereby appropriated to James W. Landrum for time and money by him expended in organizing militia companies to preserve the peace, and protect the lives of the citizens of Williamson county. That the sum of five hundred dollars (\$500) be and the same is hereby appropriated to Daniel H. Brush for money by him expended as a reward offered by him, the said Daniel H. Brush, for the purpose of bringing murderers to justice and thereby protecting the lives of citizens of Williamson and Jackson counties.

§ 4. [APPROPRIATES \$2,942.] That the sum of two thousand nine hundred and forty-two dollars (\$2,942) be and the same is hereby appropriated to reimburse the county of Jackson for that amount of money advanced and paid by said county as rewards for the apprehension and delivery to the Sheriff of said Jackson County of John Bulliner and Allen Baker, and for the hire of guards to guard the jail of said county during the confinement therein of said Bulliner and Baker, and for attorney's fees paid by said county of Jackson in the prosecution and conviction of said Bulliner and Baker.

§ 5. [WHEN AND HOW DRAWN.] That the Auditor of Public Accounts is hereby authorized and directed to draw his warrant, payable to the Treasurer of Williamson county, for the aforesaid sums mentioned in sections one (1) and two (2), amounting to ten thousand eight hundred and forty-six dollars (\$10,846), and also his warrant, payable to James W. Landrum for the sum of three hundred dollars (\$300), mentioned in section four (4) of this act, and also his warrant, payable to the Treasurer of Jackson county, for two thousand nine hundred and forty-two dollars (\$2,942.)

APPROVED May 18, 1877.

CEMETERIES.

§ 1. Power of city or village to establish.

AN ACT to amend an act entitled "*An act to enable cities and villages to establish and regulate cemeteries.*" Approved March 24th, 1874. Approved May 25, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That section one of an act, entitled "An act, to enable cities and villages to establish and regulate cemeteries," approved March 24th, 1874, be, and the same is, so amended, as to read as follows :*

"§ 1. [POWER OF CITY OR VILLAGE TO ESTABLISH.] That any city, village, or township in this State, may establish and maintain cemeteries within and without its corporate limits, and acquire lands therefor, by purchase, condemnation, or otherwise; and may lay out lots of convenient size for families; and may sell lots for family burying ground, or to individuals for burial purposes."

APPROVED May 25, 1877.

CHARITABLE INSTITUTIONS.

ADMISSION OF PATIENTS INTO THE HOSPITALS FOR THE INSANE.

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| § 1. State Divided into Districts. | § 4. When County fails to Settle. |
| § 2. Number of Patients to each County. | § 5. Repeal. |
| § 3. Settlement every Three Months. | |

AN ACT to secure equality among the counties in the matter of the admission of patients into the State Hospitals for the Insane, and to provide for settlement with such hospitals by the counties. Approved May 25, 1877. In force July 1, 1877.

SECTION 1. [STATE DIVIDED INTO DISTRICTS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That from and after the date of the opening of the south wing of the Illinois Southern Hospital for the Insane, at Anna, the State shall be divided into three districts, for the purpose of regulating the admission of patients to the State hospitals for the insane, as follows :*

The Illinois Northern Hospital for the Insane, at Elgin, shall be set apart for the accommodation and care of the insane of the counties of Jo Daviess, Stephenson, Winnebago, Boone, McHenry, Lake, Cook, DuPage, Kendall, Kane, DeKalb, Ogle, Carroll, Whiteside, Lee, LaSalle, Grundy, Will, Bureau and Kankakee. The Illinois Central Hospital for the Insane at Jacksonville, shall be set apart for the insane of the counties of Adams, Brown, Cass, Calhoun, Christian, DeWitt, Edgar, Ford, Fulton, Greene, Hancock, Henderson, Henry, Iroquois, Jersey, Knox, Livingston, Logan, Mason, Macon, Marshall,

Macoupin, Menard, Mercer, McLean, McDonough, Montgomery, Morgan, Peoria, Pike, Piatt, Putnam, Sangamon, Scott, Schuyler, Stark, Tazewell, Warren, Woodford and Rock Island.

The Illinois Southern Hospital for the Insane at Anna, shall be set apart for the insane of the counties of Alexander, Pulaski, Pope, Massac, Johnson, Union, Hardin, Gallatin, Saline, Williamson, Jackson, Randolph, Perry, Franklin, Hamilton, White; Wabash, Edwards, Wayne, Jefferson, Washington, St. Clair, Monroe, Madison, Clinton, Marion, Clay, Richland, Lawrence, Crawford, Jasper, Effingham, Fayette, Bond, Clark, Champaign, Coles, Douglass, Moultrie, Shelby, Vermilion and Cumberland.

§ 2. [NUMBER OF PATIENTS TO EACH COUNTY.] Each of the counties of this State shall hereafter be entitled to have and keep in the hospital at all times a number of patients proportioned to its population; the ratio of one patient to every two thousand of the population of said county, as shown by the census of 1870, as per the following schedule :

<i>County.</i>	<i>No. of Patients.</i>	<i>County.</i>	<i>No. of Patients.</i>
Adams.....	28	Lee.....	14
Alexander.....	5	Livingston.....	16
Bond.....	7	Logan.....	12
Boone.....	6	Macon.....	13
Brown.....	6	Macoupin.....	16
Bureau.....	16	Madison.....	22
Calhoun.....	3	Marion.....	10
Carroll.....	8	Marshall.....	8
Cass.....	6	Mason.....	8
Champaign.....	16	Massac.....	5
Christian.....	10	McDonough.....	13
Clark.....	9	McHenry.....	12
Clay.....	8	McLean.....	27
Clinton.....	8	Menard.....	6
Coles.....	13	Mercer.....	9
Cook.....	175	Monroe.....	6
Crawford.....	7	Montgomery.....	13
Cumberland.....	6	Morgan.....	14
De Kalb.....	12	Moultrie.....	5
De Witt.....	7	Ogle.....	14
Douglas.....	7	Peoria.....	24
DuPage.....	8	Perry.....	7
Edgar.....	11	Piatt.....	5
Edwards.....	4	Pike.....	15
Effingham.....	8	Pope.....	6
Fayette.....	10	Pulaski.....	4
Ford.....	5	Putnam.....	3
Franklin.....	6	Randolph.....	10
Fulton.....	19	Richland.....	6
Gallatin.....	6	Rock Island.....	15
Greene.....	10	Saline.....	6
Grundy.....	7	Sangamon.....	23
Hamilton.....	7	Schuyler.....	9
Hancock.....	18	Scott.....	5

<i>County.</i>	<i>No. of Patients.</i>	<i>County.</i>	<i>No. of Patients.</i>
Hardin	3	Shelby	13
Henderson	6	Stark	5
Henry	18	St. Clair	26
Iroquois	13	Stephenson	15
Jackson	10	Tazewell	14
Jasper	6	Union	8
Jefferson	9	Vermilion	15
Jersey	8	Wabash	4
Jo Daviess	14	Warren	12
Johnson	6	Washington	9
Kane	20	Wayne	10
Kankakee	12	White	8
Kendall	6	Whiteside	14
Knox	20	Will	22
Lake	11	Williamson	9
LaSalle	30	Winnebago	15
Lawrence	6	Woodford	9
		1,269	

§ 8. [SETTLEMENT EVERY THREE MONTHS.] The County Board, or Board of Supervisors, as the case may be, of all counties from which there are, or hereafter may be patients committed as paupers to either of the State Hospitals for the Insane, is hereby directed and required to make settlement in full as often as once in every three months for all just charges for clothing, and to pay the amount due said hospitals in money.

§ 4. [WHEN COUNTY FAILS TO SETTLE.] In case any county shall fail, and refuse for a period of six months, to make settlement as required in the preceding section, the officers of the Hospital are hereby authorized, at their discretion to discharge all such patients from such county, and return them to the county authorities at the expense of such county.

§ 5. [REPEAL.] All acts and parts of acts inconsistent herewith are hereby repealed.

APPROVED May 25, 1877.

CITIES, VILLAGES AND TOWNS.

OF THE ORGANIZATION OF CITIES.

§ 1. How Towns may become Cities.

AN ACT to amend an act entitled "An act to provide for the incorporation of Cities and Villages," approved April 10, 1872, approved May 25, 1877. In force July 1, 1877.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That section four (4) of article one (1) of an act entitled "An act to provide for the incorporation of Cities and Villages," approved April 10, 1872, be amended so as to read as follows:

"§ 4. [HOW TOWNS MAY BECOME CITIES.] Any incorporated town or village, in this State, having a population of not less than one thousand (1,000) inhabitants, may become incorporated as a city in like manner as hereinbefore provided; but in all such cases the president and trustees of such town or village shall, respectively, perform the same duties relative to such change of organization as is above required to be performed by the Mayor and Council of Cities.

APPROVED May 25, 1877.

ELECTION OF CITY OFFICERS.

§ 1. Annual election.

| § 2. Emergency.

AN ACT to amend section one of article four of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872. Approved and in force March 9, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section one of article four of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872, be and the same is hereby amended, so that hereafter it shall read as follows:

"§ 1. [ANNUAL ELECTION.] A general election for city officers shall be held on the third Tuesday of April, of each year: *Provided,* That in cities which include wholly within their corporate limits a town or towns, such elections shall be held on the first Tuesday of April.

"§ 2. [EMERGENCY.] WHEREAS an emergency exists by means of the happening of town elections in April, 1877, this act shall take effect and be in force from and after its passage."

APPROVED March 9, 1877.

ELECTION OF MAYOR, CITY CLERK, ATTORNEY AND TREASURER.

§ 1. Election of Mayor, City Clerk, Attorney and Treasurer.

| § 2. Emergency.

AN ACT to amend an act entitled "An act to provide for the incorporation of cities and villages." Approved April 10, 1872. In force July 1, 1872. Approved and in force March 26, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section two (2), article four (4), of an act of the General Assembly of Illinois, entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872, be and the same is hereby amended so that it shall read as follows:

"§ 2. [ELECTION OF MAYOR, CITY CLERK, ATTORNEY AND TREASURER.] At the general election held in 1877, and biennially thereafter, a Mayor, a City Clerk, a City Attorney, and a City Treasurer shall be elected in each city: *Provided,* That no person shall be elected to the office of City Treasurer for two terms in succession."

§ 2. [EMERGENCY.] Whereas, an emergency exists, which makes it necessary that this act shall take effect on or before the third Tuesday of April, A. D. 1877, therefore this act shall be in force from and after its passage.

APPROVED March 26, 1877.

§ 1. Repeals the act incorporating Macedonia.

AN ACT to repeal the act incorporating the town of Macedonia. Approved April 11, 1877. In force July 1, 1877.

SECTION 1. [REPEAL OF ACT.] Be it enacted by the People of the State of Illinois, represented in the General Assembly, That all and every part of the act approved March third, one thousand eight hundred and forty-three, incorporating the town of Macedonia (now known as the town of Webster), in Hancock county, Illinois, be and the same is hereby repealed.

APPROVED April 11, 1877.

SURPLUS FUND OR TAX.

§ 1. Proportion of Tax.

| § 2. Drawback—Amount City, etc., may receive.

AN ACT to prohibit any city, town or village in this State from receiving from the County Treasurer a greater proportion of the surplus fund or tax, than shall be received by any other city, town, or village within the same county. Approved May 4, 1877, and in force July 1, 1877.

SECTION 1. [PROPORTION OF TAX.] Be it enacted by the People of the State of Illinois, represented in the General Assembly, That no city, town or village within any county in this State, shall be entitled to or shall receive from the county Treasury of such county any greater proportion of surplus of all taxes which may be collected for county purposes, than any other city, town or village within the county.

§ 2. [DRAWBACK—AMOUNT CITY, ETC., MAY RECEIVE.] Nor shall any such city, town or village be entitled to, or receive from the county treasury any greater drawback of its proportion of the taxes paid into the county treasury, by reason of any appropriation by the county board, out of the county treasury, for the making and repairing of roads and highways, the building and repairing of bridges in such county, without any such city, town or village within such county, than is now allowed by law to all other cities, towns and villages within the same county. Any acts, or parts of acts, conflicting with this act, are hereby repealed.

APPROVED May 4, 1877.

ASSESSMENT, LEVY AND COLLECTION OF BACK TAXES.

AN ACT in regard to the assessment, levy and collection of the taxes of incorporated cities in this State, for years prior to the year 1877. Approved May 5, 1877. In force July 1, 1877.

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| § 1. County Clerk may certify void tax.
§ 2. Rate per cent—Extending—Valuation—
Advertisement.
§ 3. Taxes—Voluntary payments.
§ 4. Certificate as to payments.
§ 5. When sale not to operate as payment. | § 6. Change of ownership not to affect tax.
§ 7. Certificate of unpaid taxes—Extended on
books—Collection.
§ 8. Appeal—Deposit—Judgment—Damages.
§ 9. The General Revenue Laws. |
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SECTION 1. [COUNTY CLERK MAY CERTIFY VOID TAX.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That in all cases where any incorporated city in this State has attempted to assess, levy or collect taxes for any year or years prior to the year A. D. 1877, under or by virtue of the provisions of an act entitled: "An act in regard to the assessment of property, and the levy and collection of taxes by incorporated cities in this State," approved April 15, 1873, or under or by virtue of any unconstitutional law, or any law which has been declared unconstitutional or void by the Supreme Court of this State and in all cases where the assessment of property, for the purpose of taxation, or the tax levy made by any city for any year prior to the year 1877, has been declared void, or unconstitutional, or has been set aside, and such city has failed to collect the taxes so attempted to be assessed and levied, or any part thereof, the City Council or Common Council of such city may by ordinance ascertain and determine, and cause to be certified to the County Clerk of the county in which such city is situated, on or before the second Tuesday in August, in any year, the total amount which was required to be raised by taxation for all municipal purposes of said city, for any year or years prior to the year 1877, for or during which an assessment or levy was attempted to be made, as aforesaid, the amount so certified for any year not to exceed the total amount of all appropriations made by such city for such year. Such certificate made to the County Clerk, as aforesaid, shall be *prima facie* evidence that the amount certified does not exceed the sum total of the appropriations for the year for which such amount is certified.*

§ 2. [RATE PER CENT — EXTENDING — VALUATION — ADVERTISE-
MENT.] Upon a certificate being filed with the county clerk, as prescribed in the preceding section, it shall be his duty to ascertain the rate per cent. which, upon the total valuation of all property subject to taxation within such city, as the same was assessed and equalized for State and county purposes for the year for which such taxes are certified to have been required, will produce a net amount not less than the amount so certified, and to extend such tax in a separate column, designating the year for which it is extended, upon the book or books of the collector or collectors of State and county taxes for the current year, and the tax so extended shall be collected in the same manner, and by the same officers as State and county taxes, and shall be paid over by the officers collecting the same to the treasurer of the city. The respective county clerks may issue separate books or warrants to the several town or district collectors, for the collection of taxes herein authorized to be extended; said books to contain the taxes of one or more years, as may be convenient, and to be issued at the same time as the collector's books for the collection of State and

county taxes. It shall not be necessary for the county clerk to set down in the collectors' or other books, any valuation, except the valuation as assessed and equalized by the State Board of Equalization, nor shall it be necessary for any other valuation to appear in any list of delinquent lands and lots which may be filed with the county clerk, or in any report of the collector on application for judgment against delinquent lands and lots. There may be, if more convenient, a separate advertisement of the delinquent list, and the county collector may make a separate application for judgment against lands, lots, and real property delinquent for the taxes herein authorized to be extended.

§ 3. [TAXES—VOLUNTARY PAYMENTS.] All sums of money paid by any person or corporation, as taxes upon any such assessment or levy, or under any such law as specified in section one of this act shall be deemed to have been voluntary payments, but the persons or corporations paying said sums, when the same have been paid as taxes on personal property, and the real estate, in respect to which the same have been, or may be paid, when such payments are made as taxes on real estate, shall be credited with the amounts so paid on account of personal property taxes, as against any taxes which may be extended against the personal property of such persons or corporations, and with the amounts paid as taxes on real property, as against any taxes which may be extended against such real property, for the year or years for which such payments may appear to have been made. If the amount of taxes extended against such persons, corporations or real property under the provisions of the act, shall not exceed in amount the payments to be credited as aforesaid, then nothing shall be collected of such persons, corporations, or property; but if the taxes so extended shall exceed such payments, then the excess only shall be collected. In case such payments shall exceed the taxes extended, as aforesaid, nothing herein contained shall be so construed as to give a right of action against any city, or make it liable for such excess, it being the intention of this act that such payments shall not be credited beyond the amount of the taxes to be extended as aforesaid.

§ 4. [CERTIFICATE AS TO PAYMENTS.] It shall be the duty of the city clerk, or the city comptroller, if there be one, to file with the county clerk at the time of filing a certificate as hereinbefore provided, or within a reasonable time thereafter, a statement in writing, signed and certified by said city clerk or city comptroller, as the case may be, showing all payments made on account of any taxes attempted to be assessed or levied by such city for the year to which the certificate of the amount required to be raised by taxation relates, the names of persons making such payments, in cases where the same were paid as personal property taxes, and a description of the real estate in respect to which such payments may have been made, when the same were paid as real property taxes. The certificate of the city clerk or city comptroller, as the case may be, shall be *prima facie* evidence of the truth of such statement, and upon receiving the same it shall be the duty of the county clerk to enter the amounts of payments therein mentioned in proper columns in the collector's books, opposite the taxes extended against the persons or property, as the case may be, for the years on account of the taxes of which such payments shall appear to have been made, and in case the taxes shall exceed the

amount of any payment so entered, to carry the excess forward to another column. No omission on the part of the city clerk or city comptroller to file a statement of the payments made in respect of any tax, as aforesaid, shall in any way prejudice or affect the collection of any taxes extended in pursuance hereof, but any person or corporation having made any such payment, shall, upon presentation to the collector of a receipt for the same, signed by the proper officer, be entitled to and receive a credit for the amount of taxes specified in such receipt, as against the tax on account of which such payment shall appear to have been made; or proof of such payment may be made upon any application for judgment for the sale of the lands for the taxes of the year in respect of which such payments may have been made.

§ 5. [WHEN SALE NOT TO OPERATE AS PAYMENT.] No sale of land made to any city, or to any person for the city, when no money has been paid on such sale, upon any judgment rendered for the sale of lands for taxes attempted to be assessed, levied or collected, as mentioned in section one of this act, shall be deemed, or taken to be, or operate as payment, discharge, satisfaction or extinguishment of the taxes for which such sale was made, but the same proceedings shall be had, in all respects, as if no such sale had been made, except that in cases where certificates of purchase issued in pursuance of such sale have been redeemed, or payments have been made in respect thereof, the sums of money received by such city on such redemptions, or payment shall be deemed payments on account of the taxes for which the premises described in said certificate were sold, and shall be credited as such, as hereinbefore provided.

§ 6. [CHANGE OF OWNERSHIP NOT TO AFFECT TAX.] No change of ownership of any property since the time of any attempted assessment or levy, as is mentioned in section one of this act, or since the time when any taxes certified under this act, might have been certified, assessed or levied, shall in any manner affect the right to certify, extend and collect any taxes extended against such property, under the provisions of this act, but the same may be certified, extended and collected, as if no such change of ownership had taken place.

§ 7. [CERTIFICATE OF UNPAID TAXES—EXTENDED ON BOOKS—COLLECTION.] In all cases where any city in this State, under or by virtue of the powers of its then existing charter, assessed and levied, or attempted to assess and levy municipal taxes for any year or years prior to the year A. D. 1877, and has failed in the collection thereof, by reason of the conflict of any of the powers of its city charter, for the collection thereof, with the present State Constitution, or for any other cause whatever; the said assessments and levies of such taxes are declared to be and shall be held and taken to be legal and valid, notwithstanding the confirmation of such assessments and such levies might have been or was, or were made by the common council or city council of such city, in a year subsequent to the years in which and for which the assessment was, or the assessments were severally made and returned to the said councils and in all such cases it shall be the duty of the city clerk, or city comptroller, if there be one, to file with the county clerk, at any time the said council by ordinance may direct, and before the second Tuesday in August next, a return

or certificate of all unpaid taxes upon such assessments and levies of taxes, and the certificate of the city clerk or comptroller, as the case may be, shall be *prima facie* evidence of the truth of such return or certificate, and upon receiving the same it shall be the duty of the county clerk immediately to issue a warrant or collector's book in substantial conformity to the general revenue law for the collection of the same; or the county clerk may extend the same in a separate column or columns, designating the year or years for which it is extended upon the book or books of collection or collectors of State and county taxes, and in either way shall make, record, certify and forward statements thereof, as required by sections one hundred and thirty (130) and one hundred and thirty-nine (139) of the general revenue law, and the taxes so extended or named in such new book or books shall be collected at the same times, in the same manner and by the same officers as State and county taxes, and shall be paid over by the officers collecting the same to the treasurer of the city, time by time as the law requires.

§ 8. [APPEAL—DEPOSIT—JUDGMENT—DAMAGES.] No appeal shall be allowed from any judgment for the sale of lands or lots for taxes certified and extended under this act; nor shall any writ of error to reverse such judgment operate as a supersedeas, unless the party praying such appeal, or desiring such writ of error, shall, before taking such appeal or suing out such writ of error, deposit with the county collector, an amount of money equal to the amount of the judgment and costs, and also give bond with good and sufficient security, as in case of taking an appeal or suing out a writ of error from, or to reverse a judgment for the sale of lands or lots for State and county taxes. If, in case of an appeal, or suing out a writ of error, the judgment shall be affirmed in whole or in part, the Supreme Court shall enter judgment for the amount of the taxes, with damages not to exceed ten per cent., and order that the amount deposited with the collector, as aforesaid, or so much thereof as may be necessary, shall be credited upon the judgment so rendered, and execution shall issue for the balance of said judgment, damages and costs. The clerk of the Supreme Court shall transmit to said county collector a certified copy of the order of affirmance, and it shall be the duty of the collector upon receiving the same, to apply so much of the amount deposited with him as aforesaid, as shall be necessary to satisfy the amount of the judgment of the Supreme Court, and to account for the same as collected taxes. If the judgment of the county court shall be reversed, and the cause remanded for rehearing, and if upon the rehearing, judgment shall be rendered for the sale of the lands or lots for the taxes, or any part thereof, and such judgment be not appealed from, or a writ of error prosecuted with supersedeas issued thereon, as herein provided, the clerk of the county court shall certify to the county collector the amount of such judgment, and thereupon it shall be the duty of the county collector to certify to the county clerk the amount deposited with him, as aforesaid, and the county clerk shall credit the said judgment with the amount of such deposit, or so much thereof as will satisfy the judgment, and the county collector shall be chargeable with and account for the amount so credited as collected taxes. Nothing herein contained shall be construed as

requiring an additional deposit in case of more than one appeal or writ of error being prosecuted in said proceedings. If, upon a final hearing, judgment shall be refused for the sale of lands or lots for the taxes, or any part thereof, the collector shall pay over to the party who shall have made said deposit, or his legally authorized agent or representative, the amount of the deposit, or so much thereof as shall remain after the satisfaction of the judgment against the premises in respect of which such deposit shall have been made.

§ 9. [THE GENERAL REVENUE LAWS.] The general revenue laws of this State shall, so far as applicable and not inconsistent with the provisions of this act, apply to all taxes herein authorized to be certified and extended.

APPROVED, May 5, 1877.

WATER TAXES, RATES OR ASSESSMENTS.

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| § 1. Where heretofore levied. | § 3. Judgment—How obtained. |
| § 2. Warrants—Power of council—Report—Collector. | § 4. Water Taxes—Heretofore levied. |

AN ACT to provide for the collection of Water Taxes, Rates or Assessments heretofore levied in certain cities. Approved May 21, 1877. In force July 1, 1877.

SECTION 1. [WHERE HERETOFORE LEVIED.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* in any city in this State, the organization of which has been changed by the adoption of an act entitled “An act to provide for the incorporation of cities and villages,” in force July first, 1872, which, prior to the adoption of said act had power to provide for the assessment and levy of water taxes, rates, or assessments, and in which such taxes, rates or assessments have been either before or since such change of organization, assessed or levied by a Board of Public Works; the City Council of such city may do all such acts and make all such rules and regulations for the collection of such water taxes, rates or assessments as it may by law in respect to water taxes, rates or assessments levied by the City Council of such city since such change of organization.

§ 2. [WARRANTS—POWER OF COUNCIL—REPORT—COLLECTOR.] In all cases where warrants have been issued for the collection of water taxes, rates or assessments, assessed or levied by a Board of Public Works, as aforesaid, the City Council of any such city as is mentioned in the preceding section may by ordinance, provide that the City Collector shall make a report in writing to the general officer of the county authorized to apply for judgment, and sell lands for taxes due the county and State of all the lands, town lots and real property in which he shall have been unable to collect the water taxes, rates or assessments mentioned in said warrants, together with such warrants, or a brief description of the same, which report shall be accompanied with the oath of the Collector that the list is a correct return and report of the lands, town lots and real property described in said warrant on which the water taxes, rates or assessments remain unpaid, and that he is unable to collect the same, or any part thereof; said re-

port when so made shall be *prima facie* evidence that all the forms and requirements of law in relation to making said return, have been complied with, and that the water taxes, rates and assessments mentioned in said report, are due and unpaid, and that they were assessed and levied as described in section one (1) of this act.

§ 3. [JUDGMENT—HOW OBTAINED.] When said general officer shall receive said report he shall at once proceed to obtain judgment against said lots, parcels of lands and property for said water taxes, rates or assessments, in the same manner as is or may be provided by law for obtaining judgment against lands for State and county taxes; and in obtaining said judgment and making said sale the general revenue law of this State shall apply, so far as applicable, and not inconsistent with the provisions of this act.

§ 4. [WATER TAXES HERETOFORE LEVIED.] All water taxes, rates and assessments heretofore assessed or levied as mentioned in section one of this act, and all warrants issued as aforesaid, are hereby declared to be as valid and effectual as like taxes, rates or assessments levied, and like warrants issued by, or by the authority of any such city since its change of organization as aforesaid.

APPROVED May 21, 1877.

ASSESSMENT AND COLLECTION OF MUNICIPAL TAXES.

1. How may be assessed and collected.

AN ACT *in regard to the Assessment and Collection of Municipal Taxes.* Approved May 23, 1877. In force July 1, 1877.

SECTION 1. [HOW MAY BE ASSESSED AND COLLECTED.] *Be it enacted by the People of the the State of Illinois, represented in the General Assembly,* That all cities, villages, and incorporated towns, in this State, whether organized under the general law or special charters, shall assess and collect their taxes in the manner provided for in Article eight (8) of the act entitled, "An act to provide for the incorporation of cities and villages," approved April 10, 1872, and in the manner provided for in the general revenue laws of this State; and all acts, or parts of acts, inconsistent with the provisions of this act, are hereby repealed.

APPROVED May 23, 1877.

FERRIES AND BRIDGES.

§ 1. License and regulate.

AN ACT *to enable Cities and Villages, incorporated under any general or special law of this State, to acquire by purchase, Lease or Gift, establish, maintain, license and regulate Ferries, Bridges, the approaches thereto and tolls thereon.* Approved May 22, 1877. In force July 1, 1877.

SECTION 1. [LICENSE AND REGULATE.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be lawful for the corporate authorities of any city or village, now or hereafter incorporated under any special or general law of this State,

to acquire by purchase, lease or gift, and maintain, license and regulate ferries and bridges, so acquired, and the approaches thereto, not exceeding four acres of land for each ferry or bridge, within the corporate limits, or within five miles of the corporate limits thereof, and from time to time fix the tolls thereon.

APPROVED May 22, 1877.

POLICE AND FIREMEN'S RELIEF FUND.

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| 1. How fund created. | 5. Warrants drawn on Treasurer. |
| 2. Mayor, etc., trustees of fund. | 6. Permanent disability—Death—Annuity. |
| 3. Board to control fund. | 7. How money paid out. |
| 4. Treasurer to keep fund—Bond. | |

AN ACT for the relief of disabled members of the police and fire departments in cities and villages. *Approved May 24, 1877. In force July 1st, 1877.*

SECTION 1. [HOW FUND CREATED.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That one-fourth of all the rates, taxes and license fees which are or may be hereafter required by law to be paid by corporations, companies or associations not incorporated under the laws of this State, engaged in any village or city in this State effecting fire insurance, and all moneys received from fines inflicted upon members of the police and fire departments for a violation of the rules and regulations of the service, and all fines recovered because of conviction for a violation of the fire ordinances, and all moneys accruing from the sale of unclaimed stolen property, shall be set apart by the treasurer of the city or village, to whom the same shall be paid as a fund for the relief of disabled members of the police and fire departments of such city or village.

§ 2. [MAYOR, ETC., TRUSTEES OF FUND.] The Mayor or President of the Board of Trustees, the Marshal or chief officer of the police department, chief officer of the fire department and the Chairman of the Committee on Police and the Committee on Fire and Water of the City Council or Board of Trustees of the city or village, shall constitute and be a board by the name of the Trustees of the Police and Firemen's Relief Fund. The said board shall select from their number a President and a Treasurer, and may appoint a Clerk or Secretary.

§ 3. [BOARD TO CONTROL FUND.] The said board shall have the exclusive control and management of the fund mentioned in the first section of this act, and of all money donated, paid or assessed for the relief of disabled policemen or firemen, and shall have the power to assess each and every member of the police and fire departments of such city or village not to exceed the sum of five dollars per annum, which shall be received and held by the treasurer of said relief fund in like manner as the other moneys herein provided to be paid to him; and any member of such police and fire departments who shall not within one month after notice in writing to him from said board of the assessments against him, pay the same, shall not be entitled to or receive any benefit under this act. The said board may make all needful rules and regulations for its government in the discharge of its duties, and shall hear and decide all applications for relief under this act, and its decisions on such applications shall be final and

conclusive, and not subject to review or reversal except by the board: *Provided*, That nothing herein contained shall render the payment of any sum of money or annuity which may be awarded by the board obligatory on the board, or chargeable against it as a legal right; but the board may at any time in its discretion, order that such sums of money or annuity shall be reduced, or that payment of the same shall not be made. The board shall cause to be kept a record of all its meetings and proceedings.

§ 4. [TREASURER TO KEEP FUND—BOND.] The Treasurer of the board shall be the custodian of the fund in the first section of this act mentioned, and of all moneys donated, paid or assessed towards or on account of the relief fund hereby created, and shall secure and safely keep the same, subject to the control and direction of the board, and shall keep his books and accounts in such a manner as may be prescribed by the board, and the same shall always be subject to the inspection of the board, or any member thereof. The Treasurer shall, within ten (10) days after his election or appointment, execute a bond to the city or village, as the case may be, with good and sufficient securities in such penal sum as the board may direct, to be approved by the board, conditional for the faithful performance of the duties of his office, and that he will safely keep and well and truly account for all moneys and property which may come to his hands as such treasurer, and that on the expiration of his term of office he will surrender and deliver over to his successor all unexpended moneys, and all property which may have come to his hands as such treasurer. Such bond shall be filed in the office of the clerk of such city or village, and in case of a breach of the same, or the conditions thereof, suit may be brought on the same in the name of such city or village, for the use of said board, or of any person or persons injured by such breach.

§ 5. [WARRANTS DRAWN ON TREASURER.] It shall be the duty of the Mayor and Clerk, or the Comptroller if there be one, and the officer or officers of such city or village who are or may be authorized by law to draw warrants upon the treasurer of such city or village, upon request made in writing by said board, to draw warrants upon the treasurer of such city or village, payable to the treasurer of said board, for the fund set apart by such city or village treasurer as prescribed by the first section hereof.

§ 6. [PERMANENT DISABILITY—DEATH—ANNUITY.] When, in the judgment of the board, a sufficient amount shall have accumulated in said fund to justify the application thereof to the use for which the same is hereby created, if any member of the police or fire departments, while in the actual performance of duty, shall become permanently disabled, so as to render proper his retirement from membership, a sum not exceeding six hundred dollars (\$600) per annum, or such less sum as, in the judgment of the board, the fund will justify, shall be paid to such member out of said fund; or if any member, while in the actual discharge of duty, shall be killed, or shall die from the immediate effects of an injury received by him while in such discharge of duty, or shall die after ten years' service in the police or fire departments, and while still in the service of the same, and shall leave a widow, or if no widow, any child or children under the age of

sixteen (16) years, a sum not exceeding six hundred dollars (\$600) per annum, or such less sum as, in the judgment of the board, the condition of the fund will justify, shall be paid to such widow so long as she shall remain unmarried, or to such child or children while under the age of sixteen years.

§ 7. [HOW MONEY PAID OUT.] All moneys ordered to be paid from said relief fund to any person or persons, shall be paid by the treasurer of said board only upon warrants signed by the President of the board and countersigned by the Secretary, if there be one, and no warrant shall be drawn except by order of the board duly entered in the record of the proceedings of the board. In case the said relief fund or any part thereof shall, by order of the said board or otherwise, be deposited in any bank or loaned, all interest on money which may be paid, or agreed to be paid, on account of any such loan or deposit, shall belong to and constitute a part of said fund: *Provided*, That nothing herein contained shall be construed as authorizing the said treasurer to loan the said fund, or any part thereof, unless so authorized by said board.

APPROVED May 24, 1877.

COMMISSION OF CLAIMS.

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| 1. Commission of claims created. | 5. Report to the Governor, etc. |
| 2. Duty of—Claims—Award. | 6. Compensation. |
| 3. Auditor ex-officio clerk. | 7. Effect of rejecting claims. |
| 4. Claims—Filing statement—Hearing. | 8. Jurisdiction. |

AN ACT to create a Commission of Claims, and to prescribe its powers and duties. Approved May 29, 1877. In force July 1, 1877.

SECTION 1. [COMMISSION OF CLAIMS CREATED.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there shall be, and hereby is created and constituted a commission to be called the "Commission of Claims," which shall be composed of one of the Judges of the Supreme Court, who shall be President of said Commission, and two Judges of the Circuit Courts of this State. Said Judges shall be specially assigned to duty on said commission by the Chief Justice of the Supreme Court. Said commission shall hold a session at the Capital of this State on the second Monday of August, A. D. 1878, and every two years thereafter, and shall continue their session until the business before them shall be disposed of.

§ 2. [DUTY OF COMMISSION—CLAIMS—AWARD.] It shall be the duty of said Commission to hear and determine all unadjusted claims of all persons, against the State of Illinois, and said Commission shall hear and determine such claims according to the principles of equity and justice, except as otherwise provided in the laws of this State, and in case said Commission shall allow any such claim, they shall make and award in favor of the claimant, finding the amount due to such claimant, and naming the claimant, which said award shall be filed and recorded in the office of the Auditor of Public Accounts, in a book to be kept by him for that purpose.

§ 3. [AUDITOR EX-OFFICIO CLERK.] The Auditor of Public Accounts shall be *ex-officio* Clerk of said Commission and shall be custo-

dian of all records, books, files and papers belonging or appertaining to said commission.

§ 4. [CLAIMS—FILING STATEMENT—HEARING.] All persons having any such claims against this State, shall file the same with the Auditor of Public Accounts, at least three months before the day fixed by this act for the sessions of said Commission, and shall file with such claim a statement in writing, under oath, of the facts upon which such claim is based, setting forth the time when and the place where the same accrued, and if such claim accrued by virtue of a contract, a copy of such contract, and the name and present residence, if known, of the officer or agent with whom such contract was made, and in all cases, the amount of such claim, and all other facts necessary to a full understanding of such claim; and upon the filing of the same as aforesaid, it shall be the duty of the Auditor to immediately notify the Attorney-General thereof, and it shall be his duty to represent the State in all such claims. All evidence in support of, or against such claims shall be taken in writing in the same manner in which depositions in cases in chancery are usually taken, and, together with all documentary or other evidence, shall be filed with the Auditor of Public Accounts, prior to the day fixed for the sitting of said Commission, and no other evidence shall be received by said Commission on the hearing of any such claim.

§ 5. [REPORT TO GOVERNOR, ETC.] The Auditor shall in his biennial report to the Governor, include a detailed statement of all such awards, and said statement shall be laid before the two Houses of the General Assembly at its session held next after the filing of said awards.

§ 6. [COMPENSATION.] Neither the Auditor or any of said Judges shall receive any additional pay or compensation by the reason of any service rendered under the provisions of this act.

§ 7. [EFFECT OF REJECTING CLAIMS.] In case said Commission shall reject any claim, so filed as aforesaid, upon the hearing thereof, such rejection shall conclude all parties thereto, unless said Commission shall in their award thereon, otherwise direct.

§ 8. [JURISDICTION.] The jurisdiction conferred upon said Commission by this act, shall be, and is hereby declared to be exclusive.

APPROVED May 29, 1877.

CONVEYANCES.

§ 1. Reversion Expectant—Surrender—Merger.

AN ACT to amend the law of real property. Approved April 13, 1877. In force July 1, 1877.

SECTION 1. [REVERSION EXPECTANT—SURRENDER—MERGER.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That when the reversion expectant on a lease, made either*

before or after the passing of this act, of any tenements, or hereditaments of any tenure, shall be surrendered or merged, the estate, which shall for the time being confer as against the tenant under the same lease the next vested right to the same tenements or hereditaments, shall, to the extent and for the purpose of preserving such incidents to, and obligations on the same reversion, as but for the surrender or merger thereof, would have subsisted, be deemed the reversion expectant on the same lease.

APPROVED April 13, 1877.

CORPORATIONS.

SUITS AGAINST STOCKHOLDERS.

§ 1. Suit in Equity against Stockholders—Powers of Courts of Equity.

AN ACT to amend section 25 of an act entitled "An act concerning corporations," approved April 18, 1872. Approved May 22, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That section twenty-five (25) of an act entitled "An act concerning corporations," approved April 18, 1872, be and the same hereby is amended to read as follows:*

§ 25. [SUITS AGAINST STOCKHOLDERS.] If any corporation or its authorized agents shall do, or refrain from doing any act which shall subject it to a forfeiture of its charter or corporate powers, or shall allow any execution or decree of any court of record, for a payment of money after demand made by the officer, to be returned "No property found," or to remain unsatisfied for not less than ten days after such demand, or shall dissolve or cease doing business, leaving debts unpaid, suits in equity may be brought against all persons who were stockholders at the time, or liable in any way, for the debts of the corporation, by joining the corporation in such suit; and each stockholder may be required to pay his pro rata share of such debts or liabilities to the extent of the unpaid portion of his stock after exhausting the assets of such corporation. And if any stockholder shall not have property enough to satisfy his portion of such debts or liabilities, then the amount shall be divided equally among all the remaining solvent stockholders. And courts of equity shall have full power, on good cause shown, to dissolve or close up the business of any corporation, to appoint a receiver therefor who shall have authority, by the name of the receiver of such corporation (giving the name), to sue in all courts and do all things necessary to closing up its affairs as commanded by the decree of such court. Said receiver shall be in all cases a resident of the State of Illinois, and shall be required to enter into bonds payable to the people of the State of Illinois, for the use of the parties interested, in such penalty and with such securities as the court may, in the decree or

order, appointing the same require. In all cases of suits for or against such receiver, or the corporation of which he may be receiver, writs may issue in favor of such receiver or corporation, or against him or it, from the county where the cause of action accrued to the sheriff of any county in this State for service.

APPROVED May 22, 1877.

CHANGING NUMBER OF DIRECTORS.

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| § 1. Meeting of stockholders for changing. | { | § 4. Certificates of vote filed—Changes accomplished. |
| § 2. Special meeting—Notice. | | § 5. Repeal. |
| § 3. Manner of voting. | | |

AN ACT *authorizing the changing of the number of Directors of Incorporated Companies in certain cases.* Approved and in force May 22, 1877.

SECTION 1. [MEETING OF STOCKHOLDERS FOR CHANGE.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever the stockholders holding a majority of the stock of any corporation existing by virtue of any general or special law of this State, or any corporation hereafter organized by virtue of any law of this State, may desire to change the number of its directors, managers or trustees from an even number to an odd number, they may call a special meeting of the stockholders of such corporation for the purpose of submitting to a vote of the stockholders of such corporation the question of such change of directors, managers or trustees from an even to an odd number, *Provided*, That the number of directors, managers or trustees shall in no such case after such change be less than five nor more than eleven.

§ 2. [SPECIAL MEETINGS—NOTICE.] Such special meeting shall be called by the President upon the written application of the stockholders of such corporation owning a majority of the stock, by delivering personally, or depositing in the Post Office at least thirty days before the time fixed for such meeting, a notice properly addressed to each stockholder, signed by the President, stating the time, place and object of such meeting. A general notice of the time, place and object of such meeting shall also be published for three successive weeks in some newspaper printed in or nearest to the county in which the principal business office of said corporation is located.

§ 3. [MANNER OF VOTING.] At any such meeting stockholders may vote in person or by proxy, each stockholder being entitled to one vote for each share of stock held by him, and votes representing a majority of all the stock of the corporation shall be necessary for the purpose of changing the number of the directors, managers, or trustees from an even to an odd number.

§ 4. [CERTIFICATES OF VOTE FILED—CHANGES ACCOMPLISHED.] If at any regular annual meeting, or at the time and place specified in such notice of a special meeting called for that purpose, said proposition to change the number of directors, managers or trustees from an even to an odd number, be submitted to vote, and if it shall appear that a majority of all the votes represented by the whole stock of such

corporation are in favor of such change, a certificate thereof verified by the affidavit of the President and under the seal of said corporation shall be filed in the office of the Secretary of State; and a like certificate filed for record in the office of the Recorder of Deeds of the county wherein the principal business office of such corporation is located; and upon the filing of such certificate the number of directors, managers or trustees shall be and is hereby declared to be changed from an even number to an odd number in accordance with such vote of the stockholders as aforesaid.

§ 5. [REPEAL.] All acts and parts of acts inconsistent with this act are hereby repealed.

§ 6. [EMERGENCY.] WHEREAS, a large number of corporations in this State desire to change the number of their directors, managers or trustees, from an even number to an odd number, an emergency therefore exists, and this act shall take effect and be in force from and after its passage.

APPROVED May 22, 1877.

COUNTIES.

REMOVAL OF OBSTRUCTIONS FROM WATER COURSES.

§ 1. Power of County Board.

AN ACT authorizing County Boards to remove driftwood and other obstructions from water courses. Approved May 11, 1877. In force July 1, 1877.

SECTION 1. [POWER OF COUNTY BOARD.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the County Boards of the several counties in this State shall have power to cause the removal of, in such manner as they may direct, the driftwood and other obstructions from the natural water courses in their respective counties.*

APPROVED May 11, 1877.

COURTS.

APPELLATE COURTS.

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| <ol style="list-style-type: none"> 1. Style of court—Seal—Clerks—Districts. 2. Terms. 3. Clerks. 4. Duties of Clerks—Bonds. 5. Judges to be assigned. 6. Presiding Justice. 7. Quorum. 8. Jurisdiction—Appeals. 9. Power of court. | <ol style="list-style-type: none"> 10. Practice and pleadings. 11. Process. 12. Process—Who may issue. 13. Sheriff to attend sittings. 14. When majority of Judges not present. 15. May enter orders in vacation. 16. Appeals. 17. When reasons for judgment to be stated. 18. Rooms for court. |
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AN ACT to Establish Appellate Courts. Approved June 2, 1877. In force July 1, 1877.

SECTION 1. [STYLE OF COURT—SEAL—CLERK—DISTRICTS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* There are hereby created four Appellate Courts in this State, to be called the Appellate Courts in and for the districts hereby created; the first district to consist of the county of Cook, the second district to include all the counties now embraced within the Northern Grand Division of the Supreme Court, except the county of Cook; the third district to include all the counties now embraced within the Central Grand Division of the Supreme Court; and the fourth district to include all the counties now embraced within the Southern Grand Division of the Supreme Court. Said Appellate Courts shall be Courts of Record, with seals and clerks for each respectively; and each shall be held by three of the Judges of the Circuit Court, to be assigned in the manner hereinafter provided.

§ 2. [TERMS.] The terms of said Appellate Courts shall be begun and held in the several districts, as follows: In the first district, at the city of Chicago, on the third Tuesdays in April and October of each year; in the second district, at Ottawa, in LaSalle county on the third Tuesdays in June and December of each year. In the third district, at Springfield, on the third Tuesdays of May and November in each year. In the fourth district, at Mt. Vernon on the first Tuesdays in February and July in each year.

§ 3. [CLERKS.] The clerks of the Supreme Court for the Southern and Central Grand Divisions of this State shall be *ex-officio* clerks of the Appellate Courts held within their respective grand divisions, and the clerk of the Supreme Court for the Northern Grand Division of this State shall be *ex-officio* clerk of the Appellate Court for the second district aforesaid; said clerks shall discharge the duties of said office until the expiration of the terms for which they have respectively been elected; and the judges of said Appellate Court for the said first district shall appoint a suitable person to serve as clerk of said Appellate Court for said first district until the expiration of the terms aforesaid of said clerks of the Supreme Court. At the time of the election for representatives in the next General Assembly, and every six years thereafter, one clerk for each of said Appellate Courts shall be elected in each district. Said clerks shall be commissioned by the Governor, and their term of office shall be six years. The clerks of said Appel-

late Courts shall perform the duties usually devolving upon clerks of Courts of Records in this State, and shall provide books, stationery and seals for said Appellate Courts, and shall be entitled to receive the same fees for services in the Appellate Court as are allowed for like services in the Supreme Court.

§ 4. [DUTIES OF CLERKS—BOND.] Every such clerk shall, before entering upon the duties of his office, give bond, with one or more sureties, to be approved by one of the justices of the Supreme Court of this State which bond shall be in such penalty, not less than five thousand dollars (\$5,000), as may be fixed by such justice, payable to the People of the State of Illinois, and conditioned for the faithful performance of the duties of his office, and to pay over all moneys that may come to his hands by virtue of his office, to the parties entitled thereto, and to deliver up all moneys, papers, books, records and other things appertaining to his office, whole, safe and undefaced when lawfully required to do so; which bond shall be filed in the office of the Secretary of State. He shall also, before entering upon the duties of his office, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be) that I will support the constitution of the United States, and the constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of clerk of the Appellate Court, according to the best of my ability," which oath shall be filed in the office of the Secretary of State.

§ 5. [JUDGES TO BE ASSIGNED.] The Supreme Court of this State shall assign twelve of the judges of the Circuit Court of this State, to duty in said Appellate Courts as follows: Three of them to the first district; three of them to the second district; three of them to the third district, and three of them to the fourth district; which said assignment shall be for a term of three years, and upon the expiration of said term, the Supreme Court shall assign their successors for the term aforesaid: *Provided*, The terms of the judges so assigned in the year of our Lord 1877, shall expire on the first Monday of June A. D. 1879; *And provided further*, The Supreme Court may, for good cause shown, remove any of said judges from duty in any of said Appellate Courts, and in all cases of vacancy in any of said Appellate Courts, the Supreme Court shall fill such vacancy by assigning another judge of the Circuit Court to duty therein.

§ 6. [PRESIDING JUSTICE.] At the first terms of said Appellate Courts the judges thereof in every one of said districts shall choose one of their number, who shall be presiding justice of the Appellate Court in the district to which he shall have been assigned, for such time as the judges of said court may determine among themselves and at the expiration of such time his successor shall be chosen in like manner.

§ 7. [QUORUM.] Two of the judges so assigned in each district shall constitute a quorum, and the concurrence of two shall be necessary to every decision.

§ 8. [JURISDICTION—APPEALS.] The said Appellate Courts created by this act shall exercise appellate jurisdiction only, and have jurisdiction of all matters of appeal, or writs of error from the final judgments, orders or decrees of any of the circuit courts, or the Superior Court of Cook county, or from the city courts in any suit or proceeding

at law, or in chancery other than criminal cases, and cases involving a franchise or freehold, or the validity of a statute. Appeals and writs of error shall lie from the final orders, judgments or decrees of the circuit and city courts, and from the Superior Court of Cook county, directly to the Supreme Court, in all criminal cases and in cases involving a franchise or freehold or the validity of a statute. In all cases determined in said Appellate Courts, in action *ex-contractu*, wherein the amount involved is less than one thousand dollars (\$1,000), exclusive of cost; and in all cases sounding in damages, wherein the judgment of the court below, is less than one thousand dollars (\$1,000) exclusive of cost, and the judgment is affirmed or otherwise finally disposed of in the Appellate Court, the judgment, order or decree of the Appellate Court shall be final and no appeal shall lie or writ of error be prosecuted therefrom: *Provided*, The term "*ex-contractu*," as used in this section shall not be construed to include actions involving a penalty. In all other cases, appeals shall lie and writs of error may be prosecuted, from the final judgments, orders or decrees of the Appellate Courts, to the Supreme Court: *Provided, also*, That in any case a majority of the judges of the Appellate Court shall be of opinion that a case decided by them involving a less sum than one thousand dollars (\$1,000) exclusive of costs, also involves questions of law of such importance, either on account of principal or collateral interests, as that it should be passed upon by the Supreme Court, they may in such cases grant appeals and writs of error to the Supreme Court on petition of parties to the cause, in which case the said Appellate Court shall certify to the Supreme Court the grounds of granting said Appeal.

§ 9. [POWER OF COURT.] The said Appellate Courts shall be vested with all power and authority necessary to carry into complete execution all their judgments, decrees and determinations in all matters within their jurisdiction, according to the rules and principles of the common law and of the law of this State.

§ 10. [PRACTICE AND PLEADINGS.] The process, practice and pleadings in said courts shall be uniform, and shall be the same as the process, practice and pleadings now prescribed or which may hereafter be prescribed in and for the Supreme Court of this State so far as applicable; and the judges of said Appellate Court may establish such uniform rules for the keeping of dockets, records and proceedings for the regulation of said court as shall be deemed most conducive to the due administration of Justice, except as otherwise provided by law.

§ 11. [PROCESS.] The said Appellate Courts, respectively, may issue writs of *certiorari*, error, *supersedeas*, and all other writs not prohibited by law, which may be necessary to enforce the due administration of justice in all matters within their jurisdiction. Such writs or process shall run in the name of the people of the State of Illinois, and bear teste in the name of the presiding justice of the court from which it issues, be signed by the clerk, dated when issued, sealed with the seal of the court and made returnable according to law.

§ 12. [PROCESS—WHO MAY ISSUE.] Any process which may be issued from an Appellate Court or any Judge thereof or the clerk according to the law, shall be executed by the officer to whom it is directed in any county or place in this State, in the usual manner that process is or may be required to be executed and returned.

§ 13. [SHERIFF TO ATTEND SITTINGS.] The Sheriff of the county in which the Appellate Courts may be held, shall attend upon its sittings and perform such duties, under the order and direction of such courts, as are usually performed by such officer, and such as said courts shall from time to time require; and shall be entitled to the same fees as are now allowed by law for like service for attending upon the Supreme Court of this State.

§ 14. [WHEN MAJORITY OF JUDGES NOT PRESENT.] If a majority of the Judges of any such Appellate Court shall not be present on the first day of any term, the court shall stand adjourned from day to day until a majority shall attend; and if from any cause the said court shall not sit on any day in a term after it shall have opened, there shall be no discontinuance, but so soon as the cause is removed, the court shall proceed to business until the end of the term, or until the business before it shall have been disposed of; and if the said court shall not sit in any term, or shall not continue to sit the whole term or before the end of the term shall not have heard and determined all matters and causes depending in said court the same shall stand continued until the next succeeding term.

§ 15. [MAY ENTER ORDERS IN VACATION.] The Judges of the said Appellate Courts respectively, or a majority of them, may enter orders and judgments in vacation in all cases which have been argued or submitted to the courts during any term thereof, and which shall have been taken under advisement.

§ 16. [APPEALS.] Appeals and writs of error may be taken to the Appellate Court in the district in which the case is decided, or by consent of the parties, to any other district.

§ 17. [WHEN REASONS FOR JUDGMENT TO BE STATED.] In case the judgment, order or decree from which an appeal or writ of error may have been prosecuted, shall be affirmed by the Appellate Court, such court shall make an order affirming the same, and in case such judgment, order or decree shall be reversed and the cause remanded to the court, from which such appeal or writ of error shall have been prosecuted, for a new trial therein, said Appellate Court shall state briefly in writing the reasons for such reversal and file the same with the files in said cause; *Provided*, That the reasons so filed shall not be of binding authority in any cause or proceeding other than that in which they may be filed or given.

§ 18. [ROOMS FOR COURTS.] The Supreme Court rooms in the several grand divisions, when not occupied by the Supreme Court, may be used for holding Appellate Courts therein, and until otherwise provided by law, the judges assigned to hold court in the first district of said Appellate Court may rent suitable rooms in the city of Chicago for the holding of said court and for the use of the officers thereof, at a rental of not exceeding five thousand dollars (\$5,000) per annum; and to provide all necessary furniture therefor, and for the safe keeping of the records of said court; the accounts therefor shall be certified by that court to the Auditor of Public Accounts, who shall draw his warrant on the State Treasury for the amount of the same, to be paid out of the appropriation that shall be made therefor.

APPROVED June 2. 1877.

JUDICIAL CIRCUITS.

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| § 1. Circuits. | § 4. Term of office. |
| § 2. Election of officers. | § 5. Repeal. |
| § 3. Manner of holding court—Assignment of Judges. | |

AN ACT to divide the State of Illinois, exclusive of the county of Cook, into Judicial Circuits. Approved June 2, 1877. In force July 1, 1877.

SECTION 1. [CIRCUITS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That, in lieu of the Circuit Courts provided for in section thirteen (13) of article six (6) of the Constitution, and now existing, the State of Illinois, exclusive of the County of Cook, be and the same is hereby divided into Judicial Circuits as follows:*

First Circuit—The counties of Franklin, Saline, Williamson, Jackson, Union, Johnson, Pope, Hardin, Massac, Pulaski and Alexander.

Second Circuit—The counties of Cumberland, Effingham, Clay, Jasper, Richland, Lawrence, Crawford, Jefferson, Wayne, Edwards, Wabash, White, Hamilton and Gallatin.

Third Circuit—The counties of Bond, Madison, St. Clair, Marion, Clinton, Washington, Randolph, Monroe and Perry.

Fourth Circuit—The counties of Vermilion, Edgar, Clark, Coles, Douglass, Champaign, Piatt, Moultrie and Macon.

Fifth Circuit—The counties of Sangamon, Macoupin, Christian, Montgomery, Fayette and Shelby.

Sixth Circuit—The counties of Hancock, Adams, Fulton, McDonough, Schuyler, Brown and Pike.

Seventh Circuit—The counties of DeWitt, Logan, Menard, Mason, Cass, Morgan, Scott, Green, Jersey and Calhoun.

Eighth Circuit—The counties of Putnam, Marshall, Woodford, Tazewell, Peoria and Stark.

Ninth Circuit—The counties of Bureau, LaSalle, Will and Grundy.

Tenth Circuit—The counties of Rock Island, Mercer, Henry, Henderson, Warren and Knox.

Eleventh Circuit—The counties of McLean, Ford, Kankakee, Iroquois and Livingston.

Twelfth Circuit—The counties of Boone, DeKalb, McHenry, Lake, Kane, DuPage and Kendall.

Thirteenth Circuit—The counties of JoDaviess, Stephenson, Winnebago, Carroll, Whiteside, Ogle and Lee.

§ 2. [ELECTION OF JUDGES.] The present judges of the Circuit Court shall be judges for the respective circuits in which they may reside. And on the first Monday in August, in the year of our Lord, 1877, there shall be elected in each of the said circuits hereby created, by the electors thereof, one additional circuit judge, making the number of judges in each of said circuits three. The notices for said election, the manner of holding and conducting the same, and canvassing the votes cast shall be as provided in an act entitled "An act in regard to elections, and to provide for filling vacancies in elective offices," approved April 3, 1872: *Provided, That the terms of office of the judges elected under this act, on the first Monday of August, 1877, shall expire on the first Monday of August, 1879.*

§ 3. [MANNER OF HOLDING COURT—ASSIGNMENT OF JUDGES.] The judges of the several circuits shall hold the Circuit Courts in their circuits, in such a manner as to best dispose of the business thereof, as they may arrange among themselves; and in case such judges are unable to agree as to the manner of holding their courts, and as to the counties in which they are severally to preside, then they shall refer the matter to the Chief Justice of the Supreme Court, who shall assign said judges to such counties in their circuits, respectively, as he may determine; and the Chief Justice of the State may assign any of said judges of the Circuit Court, when they are not occupied in holding court in their own circuits, to hold court in any other circuit of the State where there may arise a necessity therefor.

§ 4. [TERM OF OFFICE.] On the first Monday of June, 1879, there shall be elected in each of said circuits, by the electors thereof, by general ticket, three judges of the Circuit Court, whose terms of office shall be six years; and every six years thereafter there shall in like manner be elected in each of said circuits three judges of the Circuit Court, whose terms of office shall be as aforesaid.

§ 5. [REPEAL.] That all acts or parts of acts inconsistent with this act are hereby repealed.

APPROVED June 2, 1877.

SUPREME COURT REPORTS.

§ 1. Reports How and When Published and Distributed—Salary of Reporter—Price of Reports.

AN ACT to regulate the reporting of the decisions of the Supreme Court of this State, to fix the compensation of the reporter, to fix the price of said reports, to provide for the purchase of certain copies thereof by the State and for their distribution. Approved May 17, 1877. In force July 1, 1877.

SECTION 1. [PUBLICATION AND DISTRIBUTION OF REPORTS—PRICE AND SALARY OF REPORTER.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the reports of the decisions of the Supreme Court shall be distributed as follows, viz:*

Five copies to the Library of Congress, one copy to the President of the United States, one copy to each State and Territorial library, one copy to each Judge of the Supreme Court of this State, one copy to each Judge of the Circuits Courts in this State, one copy to each Judge of the Superior Court of Cook county, one copy to the Judge of each City Court in this State, one copy to each Clerk of the Courts of Record in this State, one copy to each Law Institute in this State, one copy to each State officer required to reside at the seat of government; five copies shall be deposited in each library of the Supreme Court of this State, and twenty copies shall be deposited in the State Library, for the use of the State. For the purpose of carrying into effect the foregoing provisions, the Secretary of State is hereby authorized and required to purchase a sufficient number of copies of the official edition of said Illinois Reports, published since volume

numbered sixty-two (62), and each and every volume from time to time, as the same shall hereafter be published, for the purpose provided as aforesaid, said books to be paid for, when certified by the Secretary of State, upon the warrant of the Auditor, by the State Treasurer, out of moneys appropriated for that purpose. The price per volume of said reports, subsequent to volume sixty-two (62), heretofore published, and which may be published prior to the time this act shall take effect, shall not exceed three dollars and fifty cents (\$3.50) per volume, and all volumes of said reports which may be published after this act takes effect shall be furnished at a price not exceeding two dollars and twenty-five cents (\$2.25) per volume, are to be delivered at the office of the Secretary of State. The reporter of said decisions shall perform such duties, and in such manner as the Supreme Court has or may, from time to time, by rule prescribe. He shall receive, as his compensation, a salary of six thousand dollars (\$6,000) per annum, payable out of the State Treasury in quarter-yearly installments, upon the warrant of the Auditor. It is hereby made the duty of the reporter, within four months after a sufficient number of opinions to constitute a volume shall be ready for delivery to him, to have the same printed and published in the style and manner, and of the size and quality required by the rules of the Supreme Court, and for such period as he may be in default, in that regard, he shall receive no salary unless the Supreme Court shall certify that said default could not have been avoided by the exercise of due diligence by said reporter. He shall keep constantly on hand, at the State Capital, a sufficient number of all volumes of such reports as may be published after this act shall take effect, to supply all demands therefor and shall sell the same at a price not exceeding two dollars and twenty-five cents (\$2.25) per volume, and a neglect or refusal on his part to comply with this requirement shall be sufficient ground of removal from office, and shall work a forfeiture of his salary and clerk hire and all emoluments. In no event shall the State be liable for any portion of the cost of printing and publishing said reports, but the entire expense thereof shall be paid by the reporter.

APPROVED May 17, 1877.

CITY COURTS.

§ 5. Election and qualification of Judges—powers—vacancy.	§ 10. Terms of court. § 21. City courts—how established.
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AN ACT to amend sections five (5), ten (10) and twenty-one (21) of an act entitled "An act in relation to courts of record in cities," approved March 26, 1874. Approved May 21, 1877. In force July 1, 1877.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That sections five (5), ten (10) and twenty-one (21) of an act entitled "An act in relation to courts of record in cities," approved March 26, 1874, be and the same are hereby amended so as to read as follows:

§ 5. [ELECTION AND QUALIFICATION OF JUDGES—POWERS—VACANCIES.] The Judges of such courts, respectively shall be elected by the qualified voters of such city in the same manner that the city officers of such city are elected, but not at the same time, and shall hold their offices for the term of four years, and until their successors are elected and qualified. They shall qualify and be commissioned in the same manner, be vested with the same powers, and perform the same duties as Circuit Judges, and be styled "Judge of the City Court of (name of city)." Vacancies in such office shall be filled for the unexpired term at a special election, to be called and held by the same authority and in the same manner that other city elections may be held, where such unexpired term exceeds one year; but where the same does not exceed one year, such vacancy shall be filled by appointment by the Governor.

§ 10. [TERMS OF COURT.] There shall be two or more regular terms of such court in each year to be held at such times as may be fixed by an order of the court from time to time, and entered of record, which order shall be published in some newspaper published in such city at least forty days before holding the first term of court under the same; and said order shall not be changed subsequently, except by an order of court entered of record at the term preceding said change, and published in a like manner. Special terms may be called and held in the same manner and with like effect as special terms of the Circuit Courts and subject to the same limitations: *Provided*, That in the city of Chicago, should such a court be established therein, there shall be held a term of such court every month in the year commencing upon the first Monday of each month and no order of court or publication shall be necessary in order to hold such terms.

§ 21. [COURTS—HOW ESTABLISHED.] A City Court consisting of one or more Judges, not exceeding five, and not exceeding one Judge for every fifty thousand inhabitants may be organized and established under this act in any city which contains at least three thousand inhabitants, whenever the common or city council shall adopt an ordinance or resolution to submit the question whether such court shall be established, consisting of one or more judges, not exceeding five, as may be specified in such ordinance or resolution, to the qualified voters of such city and two-thirds of the votes cast at the election shall be in favor of the establishment of such court. Where such court is established with more than one judge, each judge may hold a separate branch thereof at the same time, and when holding such separate branch, each judge may exercise all the powers vested in such court. Such election shall be held and conducted, the returns thereof made and canvassed, and the result declared in the same manner as other city elections.

APPROVED May 21, 1877.

COUNTY COURTS.

§ 7. Law Jurisdiction.

| § 123. Appeals and Writs of Error.

AN ACT to amend sections seven (7) and one hundred and twenty-three (123) of an act entitled "An Act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March 26, 1874. Approved May 21, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* sections seven (7) and one hundred and twenty-three (123) of an act entitled "An Act to extend the jurisdiction of county courts and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March 26, 1874, be and the same are hereby amended so as to read as follows:

§ 7. [LAW JURISDICTION.] The County Courts shall have concurrent jurisdiction with the circuit courts in all that class of cases wherein justices of the peace now have or may hereafter have jurisdiction, where the amount claimed or the value of the property in controversy shall not exceed one thousand dollars (\$1,000), concurrent jurisdiction in all cases of appeals from justices of the peace and police magistrates: *Provided*, Appeals from the County Judge when sitting as justice of the peace, shall be taken to the Circuit Court as now, and in all criminal offenses and misdemeanors where the punishment is not imprisonment in the penitentiary or death, all of which shall be cognizable at the law terms hereinafter mentioned.

§ 123. [APPEALS AND WRITS OF ERROR.] Appeals and writs of error may be taken and prosecuted from the final orders, judgments and decrees of the county court to the Supreme Court or appellate court, should such a court be established by law, in proceedings for the sale of lands for taxes and special assessments, and in all common law and attachment cases, and cases of forcible detainer and forcible entry and detainer. Such appeals and writs of error shall, when not otherwise provided, be taken and prosecuted in the same manner as appeals from and writs of error to circuit courts.

APPROVED May 21, 1877.

§ 105. Law Terms.

AN ACT to amend section one hundred and five of an act entitled "An act to extend the jurisdiction of County Courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March 26, 1874. Approved May 21, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* section one hundred and five of an act entitled "An act to extend the jurisdiction of County Courts,

and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named "approved March 26, 1874, to wit:

"Section 105, Whiteside, in June," be and the same is hereby amended so as to read:

§ 105. Whiteside in January, May and October.

APPROVED May 21, 1877.

§ 1. Law Terms.

AN ACT to amend sections eighteen (18), twenty-four (24), thirty-three (33), thirty-seven (37), forty-three (43), forty-eight (48), fifty-nine (59), sixty-five (65), seventy-four (74), eighty-one (81), eighty-four (84), eighty-five (85), ninety-two (92), one hundred (100), one hundred and one (101), one hundred and five (105), one hundred and seven (107) and one hundred and sixty-three (163) of an act entitled "An act to extend the jurisdiction of County Courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March 26th, 1874. In force July 1st. 1874. Approved May 22, 1877. In force July 1, 1877

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That sections eighteen (18), twenty-four (24), thirty-three (33), thirty-seven (37), forty-three (43), forty-eight (48), fifty-nine (59), sixty-five (65), seventy-four (74), eighty-one (81), eighty-four (84), eighty-five (85), ninety-two (92), one hundred (100), one hundred and one (101), one hundred and five (105), one hundred and seven (107), and one hundred and sixty-three (163), of said act be amended so as to read as follows:

- § 18. Champaign in January, May, August and November.
- § 24. Cook in January, February, March, April, May, June, July, August, September, October, November and December.
- § 33. Effingham in June and November.
- § 37. Fulton in February and October.
- § 43. Hardin in February and August.
- § 48. Jasper in February and August.
- § 59. Lawrence in April and October.
- § 65. McLean in April, August and December.
- § 74. Mercer in January, April, July and October.
- § 81. Perry county, February and September.
- § 84. Pope in February.
- § 85. Pulaski in January, June and September.
- § 92. Schuyler in February and August.
- § 100. Wabash in October.
- § 101. Warren in February, April, July and October.
- § 105. Whiteside in January, May and October.
- § 107. Williamson in March, July, and December.
- § 163. Union in May and November."

APPROVED May 22, 1877.

§ 84. Law Terms.

AN ACT to amend section 84 of an act entitled "*An act to extend the jurisdiction of County Courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named,*" approved March 26th, 1874. In force July 1st, 1874. Approved May 22, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* section eighty-four (84), of an act entitled "*An act to extend the jurisdiction of County Courts and to provide for the practice thereof, to fix the time for holding the same and to repeal an act therein named,*" approved March 26, 1874, in force July 1, 1874, be so amended as to read as follows:

§ 84. Pope in February.

APPROVED May 22, 1877.

§ 1. Law Term.

AN ACT to amend section 21, of an act entitled "*An Act to extend the jurisdiction of County Courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named,*" approved March 26, 1874. Approved May 22, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* section twenty-one (21) of an act entitled "*An act to extend the jurisdiction of the County Courts and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named,*" approved March 26, 1874, be and the same is hereby amended so as to read as follows:

§ 21. Clay on the third Monday in October.

APPROVED May 22, 1877.

PROBATE COURTS.

1. Style of Court—Seal.
2. Where to be held.
3. Election of Judge—Term of Office.
4. Judge to take Oath.
5. Jurisdiction.
6. Terms.
7. Jury Trials—Fees of Juries.
8. Practice and Pleadings.
9. Duties of Sheriff.
10. When Judge interested.
11. Appeals.
12. Appeals—Sales of Real Estate.

13. Clerk—Election—Term.
14. Clerk to give bond.
15. Clerk may appoint Deputy.
16. Duties of Clerk.
17. County Board—Stationery.
18. Offices and Furniture.
19. Books to be delivered to Successor.
20. How Records to be Kept.
21. Fees of Clerk.
22. Clerks' Fees in Cook County.
23. Salary of Judge.
24. Vacancy, How Filled.

AN ACT to establish Probate Courts in all counties having a population of one hundred thousand or more, to define the jurisdiction thereof, and regulate the practice therein, and to fix the time for holding the same. Approved April 27, 1877. In force July 1, 1877.

SECTION 1. STYLE OF COURT—SEAL.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* there shall be established in each county of this State, now created and organ-

ized, or which may be hereafter created and organized, and which has a population of one hundred thousand, or more, a court of record to be styled, "The Probate Court of (name of) county." Such court shall have a seal and may from time to time, as may be necessary, renew or alter the same. The expense of such seal, and of renewing and altering the same, shall be paid by the county.

§ 2. [WHERE TO BE HELD.] Said courts shall be held in the court-houses of the respective counties in which they shall be established, or in the usual places of holding courts, or in suitable rooms provided therefor at the county seat.

§ 3. [ELECTION OF JUDGE—TERM OF OFFICE.] The Judge of said court in each county in which such court shall be established shall be elected on the Tuesday next after the first Monday in November, at the same election at which the County Judge is elected, and every fourth year thereafter, and shall enter upon the duties of his office on the first Monday of December after his election, and shall hold his office for a term of four years and until his successor is elected and qualified, and shall be known as the Probate Judge of (name of) county.

§ 4. [JUDGE TO TAKE OATH.] The Probate Judge of each county in which a probate court shall be established shall, before entering upon the duties of his office take and subscribe and file with the Secretary of State the oath required by the Constitution.

§ 5. [JURISDICTION.] Probate courts shall have original jurisdiction in all matters of probate, the settlement of estates of deceased persons, the appointment of guardians and conservators and settlement of their accounts, and in all matters relating to apprentices, and in cases of the sales of real estate of deceased persons for the payment of debts. And as soon as such court is organized in any county, the county court of such county shall turn over to the probate court all of its probate records, and all files, books and papers of every kind relating to probate matters in such county court, and all records, files and papers in matters of guardianship and conservators, and the Clerk of the probate court shall be authorized to demand and receive from the County Clerk all such records, files, books and documents, and upon the receipt thereof, the probate court shall proceed to finish and complete all unfinished business relating to probate, guardianship and conservator matters in the manner provided by law.

§ 6. [TERMS OF COURT.] The terms of the probate court shall commence on the third Monday of each month during the year, and shall be always open for the granting of letters testamentary, letters of administration and guardianship, and for the transaction of probate business and all other matters of which it has jurisdiction, and shall continue open from day to day until all business before it is disposed of.

§ 7. [JURY TRIALS—FEES OF JURORS.] The probate court shall have the power to impanel a jury for the trial of issues or matters of fact in any matter or matters pending before the court, and for such purpose the court may at any time, when it becomes necessary to have a jury direct the Clerk of said court to issue a venire for either six or twelve competent jurors and deliver the same to the Sheriff or Coroner

or any Bailiff of the court, who shall summon such jurors from the body of the county to be and appear before said court at any term or day named in such venire, and if by reason of non-attendance, challenge or otherwise said jury shall not be full, the panel may be filled by talesmen. Said court shall have the same power to compel the attendance of jurors and witnesses as the circuit court has or may hereafter have, and jurors to act as such in said court shall possess the same qualifications and be entitled to the same privileges of exemption and subject to the same rules of challenge for cause or peremptorily as jurors in the circuit courts of the State. When such jury shall be brought into said court the court may retain such jury during the term or any portion thereof, as may be necessary for the trial of any matter or matters of fact which in the discretion of the court requires a jury. The *per diem* and mileage of said jurors shall be the same as they are for jurors in the circuit court, to be paid out of the county treasury upon the presentation of a certificate of the Clerk of said court, issued to each juror at the time of their discharge, certifying to the number of days he may have attended court as a juror and the amount of juror fees and mileage due him.

§ 8. [PRACTICE AND PLEADINGS.] The process, practice and pleadings in said court shall be the same as those now provided, or which may hereafter be provided, for the probate practice in the county courts of the State, and all laws now in force, or which may hereafter be enacted, concerning wills or the administration of estates, shall govern and be applicable to the practice in the probate courts of the State.

§ 9. [DUTIES OF SHERIFF.] The Sheriff, in person or by his deputy, shall attend the sittings of the probate court of his county, preserve order in the same and execute the legal commands and process thereof.

§ 10. [WHEN JUDGE INTERESTED.] Whenever the Probate Judge of any county is interested in the estate of any deceased person, and the letters testamentary or of administration shall be grantable in the county of such Judge, such estate shall be probated in the county court of such county, unless the County Judge be also interested, in which event the facts of such interest may be entered of record in the probate court of the county and certified to the circuit court of the county, and upon the filing of such certificate with the Clerk of the circuit court, such court shall have full and complete jurisdiction in all matters pertaining to such estate under all laws of this State concerning the administration of estates or the probate of wills, and in all cases so transferred the Clerk of said circuit court shall have the same power in all matters of such estate, in term time or vacation, that the Clerk of the probate or county court has. *Provided*, That, if the Probate Judge is only interested as a creditor, no change may be made except in relation to his claim.

§ 11. [APPEALS.] Appeals may be taken from the final orders, judgments and decrees of the probate courts to the circuit courts of their respective counties in all matters except in proceedings on the application of executors, administrators, guardians and conservators for the sale of real estate, upon the appellant giving bond and se-

curity in such amount and upon such condition as the court shall approve, and upon such appeal the case shall be tried *de novo*.

§ 12. [APPEALS—SALE OF REAL ESTATE.] Appeals and writs of error may be taken and prosecuted from the final orders and decrees of the probate court to the supreme court in proceedings on the application of executors, administrators, guardians and conservators for the sale of real estate. Such appeals and writs of error, when not otherwise provided, shall be taken and prosecuted in the same manner as appeals from and writs of error to the circuit court.

§ 13. [CLERK—ELECTION—TERM.] There shall be elected at the same time as the Probate Judge is elected a Clerk of the probate court, who shall hold his office for a term of four years and until his successor shall be elected and qualified. Before entering upon the duties of his office he shall take and subscribe the oath required by the constitution of the State.

§ 14. [CLERK TO GIVE BOND] Every such Clerk shall, before entering upon the duties of his office, give bond with two or more sureties, to be approved by the Judge of the court of which he is Clerk, which bond shall be in such penalty, not less than five thousand dollars (\$5,000), as may be determined by such Judge, payable to the People of the State of Illinois, and conditioned for the faithful performance of the duties of his office and to pay over all moneys that may come to his hands by virtue of his office to the parties entitled thereto, and to deliver up to his successor in office all moneys, papers, books, records and other things appertaining to his office whole, safe and undefaced, which bond shall be copied at large upon the records of the court and then filed in the office of the Secretary of State, upon which such Clerk shall be immediately commissioned by the Governor and enter upon the duties of his office.

§ 15. [CLERK MAY APPOINT DEPUTY.] Every such Clerk shall attend in person to the duties of his office when it is practicable so to do, and perform all the duties thereof which can reasonably be performed by one person: *Provided, however,* He may, when necessary, appoint deputies, who shall take the same oath or affirmation as is required of the principal Clerk, which shall be entered at large upon the records of the court, and the principal Clerk shall in all cases be responsible for the acts or omissions of his deputies.

§ 16. [DUTIES OF CLERK.] Every such Clerk shall attend the sessions of their respective courts, issue all process thereof, preserve all the files and papers thereof, make, keep and preserve complete records of all the proceedings and determinations thereof, and do and perform all other duties pertaining to their said offices, as may be required by law or the rules and orders of their courts respectively, and shall enter of record all judgments, decrees and orders of their respective courts before the final adjournment of the respective terms thereof or as soon thereafter as practicable.

§ 17. [COUNTY BOARD—STATIONERY.] It shall be the duty of the County Board of every county in which there shall be established a probate court in pursuance of this act, to provide the Clerk thereof with all necessary blanks, books, stationery, pens and ink for their respective offices, the same to be paid for out of the county treasury,

and in case such supplies should not be so furnished, then the Clerk of such court shall furnish the same from time to time as may be necessary, the cost thereof to be allowed by the County Board and paid out of the county treasury.

§ 18. [OFFICES AND FURNITURE.] The necessary rooms, office and furniture, the proper vaults or other safe means of keeping the archives of their respective offices shall be provided for the Clerks of the probate courts in their respective counties by the county and the cost thereof paid out of the county treasury.

§ 19. [BOOKS TO BE DELIVERED TO SUCCESSOR.] It shall be the duty of the probate clerk to deliver over to his successor in office, and of his successor to demand and receive from him, all the books, papers, records and other things appertaining to his office, or in his possession by virtue of his office, and should he refuse or neglect to do so, the court shall have power to use such compulsory process and take such measures as may be necessary to compel the delivery as aforesaid, according to the true intent and meaning hereof.

§ 20. [HOW RECORDS ARE KEPT.] In all matters concerning the probate of the estates of deceased persons, the granting of letters testamentary or of administration, letters of guardianship, the manner of keeping the records of said court, the form of docket entries, journals, fee books, memorandums, the form of process, the recording of papers and documents connected with any matter of which said court has jurisdiction, the clerk of said court shall be governed by and follow all laws now in force, or which may hereafter be enacted, concerning similar matters in the county courts of the State.

§ 21. [FEES OF CLERK.] The clerk of the probate court shall charge and collect for each official act the same fees as are allowed to clerks of the county courts of the State in probate matters, which fees shall be charged in accordance with the laws now in force or which may hereafter be enacted concerning fees and salaries, and according to the class to which the county belongs. Such clerk shall keep full, true and correct accounts of all fees collected by him and report the same in accordance with said laws, for the keeping of which accounts no fees shall be allowed such clerk, and the same shall be open for inspection by the county board, in accordance with said laws, and all fees in excess of the compensation allowed to such clerk, and necessary clerk hire and other expenses, shall be paid into the county treasury in accordance with said laws concerning fees and salaries.

§ 22. [CLERK'S FEES IN COOK COUNTY.] Clerks of the probate court shall receive such compensation or salary as shall be allowed them by the county board, together with the amount of their necessary clerk hire, stationery, fuel and other expenses, in accordance with the provisions of the constitution: *Provided*, That in the county of Cook the probate clerk shall receive, aside from clerk hire, necessary expenses for fuel and stationery, the sum of three thousand dollars (\$3,000) per annum, as his only compensation, to be paid out of the fees of his office.

§ 23. [SALARY OF JUDGE.] Probate judges shall be allowed such salary as shall be fixed by their respective county boards, to be paid out of the county treasury.

§ 24. [VACANCY—HOW FILLED.] When a vacancy shall occur in the office of Judge of the probate court of any county, the clerk of the court in which the vacancy exists shall notify the Governor of such vacancy. If the unexpired term of the office made vacant is less than one year, at the time the vacancy occurs, the Governor shall fill such vacancy by appointment; but if the unexpired term exceeds one year, the Governor shall issue a writ of election as in other cases of vacancy to be filled by election.

APPROVED April 27, 1877.

THE RECORDER'S COURT IN THE CITY OF EL PASO.

§ 1. Act establishing Court repealed.

§ 2. Papers, etc., transferred to Woodford county Circuit Court.

§ 3. Emergency.

AN ACT to repeal an act entitled "*An act to establish a Recorder's Court in the city of El Paso,*" approved March 6th, 1869, and to repeal an act entitled "*An act supplemental to an act entitled 'An act to establish a Recorder's Court in the City of El Paso,'*" approved March 6, 1869, and to provide for the turning over to the Circuit Court of Woodford county of the records, books, dockets, files and papers of the said Recorder's court of the city of El Paso, and to authorize and empower the Circuit Court of Woodford county, to make all orders necessary to carry into effect all judgments, orders and decrees of said Recorder's court, and to authorize the Clerk of the Circuit Court of Woodford county to issue all necessary process to carry into effect all unsatisfied judgments and decrees of said Recorder's court. Approved and in force March 26, 1877.

SECTION 1. [REPEAL OF ACT.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That an act entitled "An act to establish a Recorder's court in the city of El Paso," approved March 6th, 1869, and an act supplemental thereto entitled "An act supplemental to an act entitled "An act to establish a Recorder's court in the city of El Paso," approved March 6th, 1869, be and the same are each hereby repealed.*

§ 2. [TRANSFER OF PAPERS, ETC.] All records, dockets, files, books and papers belonging or appertaining to said Recorder's court of the city of El Paso shall be by the clerk thereof transferred and turned over to the Clerk of the Circuit Court of Woodford county, and the Clerk of said Circuit Court of Woodford county is hereby authorized and empowered to demand and receive of the Clerk of said Recorder's court of the city of El Paso all such records, dockets, files, books and papers, and the same shall be kept by said Circuit Clerk as the other records, dockets, files, books and papers in his office, and said Clerk shall issue all process necessary to carry into effect all unsatisfied judgments and decrees of said Recorder's court, and the Circuit Court of Woodford county is hereby empowered and authorized to make all

orders necessary to carry into effect all judgments, orders, and decrees of said Recorder's court in the same manner and with the same power and effect as if said judgments, orders and decrees had been originally entered or rendered in said Circuit Court.

§ 3. [EMERGENCY.] An emergency is hereby declared to exist, and therefore this act shall take effect and be in force from and after its passage.

APPROVED March 26, 1877.

CRIMINAL CODE.

BURGLARY.

§ 36. Punishment.

AN ACT to amend section 36 of an act entitled "*An act to revise the law in relation to criminal jurisprudence,*" approved March 27, 1874. Approved April 10, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section thirty-six (36) of an act entitled "*An act to revise the law in relation to criminal jurisprudence,*" approved March 27, 1874, be and the same is hereby amended so as to read as follows:

§ 36. [PUNISHMENT.] Whoever willfully and maliciously and forcibly breaks and enters, or willfully, and maliciously, without force (the doors or windows being open), enters into any dwelling house, kitchen, office, shop, storehouse, warehouse, malt house, stilling house, mill, pottery, factory, wharf boat, steamboat or other water craft, freight or passenger railroad car, church, meeting house, school house, or other building, with intent to commit murder, robbery, rape, mayhem, or other felony, or larceny, shall be deemed guilty of burglary, and be imprisoned in the penitentiary for a term not less than one year, nor more than twenty years."

APPROVED, April 10, 1877.

LARCENY.

§ 168. Punishment—Value of Property.

AN ACT to amend section 168 of an act entitled "*An act to revise the law in relation to criminal jurisprudence,*" approved March 27, 1874. Approved April 10, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section one hundred and sixty-eight (168) of an act entitled "*An act to revise the law in relation to crim-*

inal jurisprudence," approved March 27, 1874, be, and the same is hereby amended to read as follows, to-wit:

§ 168. [PUNISHMENT—VALUE OF PROPERTY.] Every person convicted of the crime of larceny, if the property stolen exceeds the value of fifteen dollars, shall be imprisoned in the penitentiary not less than one nor more than ten years; if the value of the property stolen is fifteen dollars or less, he shall be confined in the county jail not exceeding one year and fined not exceeding one hundred dollars."

APPROVED April 10, 1877.

MALICIOUS MISCHIEF.

§ 186. To railroads.

AN ACT to amend an act entitled "*An act to revise the law in relation to criminal jurisprudence,*" approved March 27, 1874. Approved May 23, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section one hundred and eighty-six (186), of chapter thirty-eight (38), of an act entitled "*An act to revise the law in relation to criminal jurisprudence,*" approved March 27, 1874, be amended so as to read as follows:

§ 186. [TO RAILROADS.] Whoever willfully and maliciously displaces or removes any switch, signal or rail of any railroad, or breaks down, rips up, injures or destroys any track, bridge or other portion of any railroad, or places any obstructions thereon, or places any false signal upon or along the line of any railroad track, or does any act to or with any engine, machine or car of such railroad, with the intent to obstruct or prevent the use and operation of such railroad, or with the intent that any person or property being or passing on or over such railroad should be injured thereby, shall be imprisoned in the penitentiary not less than one nor more than five years. Or if, in consequence of any such act, done with such intent, any person being or passing on or over such railroad, suffers any bodily harm, or any property is injured, the person so offending shall be imprisoned in the penitentiary not less than three nor more than ten years. And if, in consequence of any such act, done with such intent, any person is killed, the persons so offending shall be deemed guilty of murder and punished accordingly.

APPROVED May 23, 1877.

TAKING ILLEGAL FEES.

§ 213. Penalty for taking Illegal Fees.

AN ACT to amend section 213 of an act entitled "*An act to revise the law in relation to criminal jurisprudence*," approved March 27, 1874. Approved May 25, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly.* That section two hundred and thirteen, of an act entitled "*An Act to revise the law in relation to criminal jurisprudence*," approved March 27, 1874, be amended so as to read as follows:

§ 213. [PENALTY FOR TAKING ILLEGAL FEES.] If any officer authorized by law to charge or receive fees, salary or pay, shall charge, claim, demand, or take any greater fee, salary or pay, than such as is by law allowed to him for the service performed, or shall charge, claim, demand or take any fee, salary or pay, or shall knowingly charge any fee, salary or pay, when no fee, salary or pay is allowed him by law, or when the services for which such fee, salary or pay is charged, have not been performed by him, or by some other person for him, he shall, on conviction under this section, for the first offense, be fined in any sum not less than twenty-five dollars, nor more than two hundred dollars, and upon conviction for a second or any subsequent offense under this section, he shall forfeit his office, and shall be confined in the county jail not less than thirty days, nor more than one year.

APPROVED May 25, 1877.

VAGABONDS.

§ 270. Vagabonds—What shall constitute. | § 271. How punished.

AN ACT to amend an act entitled "*An act to revise the law in relation to criminal jurisprudence*," approved March 27, 1874. Approved April 27, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That sections two hundred and seventy and two hundred and seventy-one of "*An act to revise the law in relation to criminal jurisprudence*," approved March 27, 1874, be and the same hereby are so amended as to read as follows:

§ 270. [VAGABONDS—WHAT SHALL CONSTITUTE.] All persons who are idle and dissolute, and who go about begging; all persons who use any juggling or other unlawful games or plays; runaways; pilferers; confidence men; common drunkards; common night-walkers; lewd, wanton and lacious persons, in speech or behavior; common railers and brawlers; persons who are habitually neglectful of their employment or their calling, and do not lawfully provide for themselves, or for the support of their families; and all persons who are idle or dissolute and who neglect all lawful business, and who habitually mispend their time by frequenting houses of ill-fame, gaming houses

or tippling-shops; all persons lodging in, or found in the night-time in out-houses, sheds, barns or unoccupied buildings or lodging in the open air, and not giving a good account of themselves; and all persons who are known to be thieves, burglars or pick-pockets, either by their own confession or otherwise, or by having been convicted of larceny, burglary, or other crime against the laws of the State, punishable by imprisonment in the State prison, or in a house of correction of any city, and having no lawful means of support, are habitually found prowling around any steamboat landing, railroad depot, banking institution, broker's office, place of public amusement, auction room, store, shop or crowded thoroughfare, car or omnibus, or at any public gathering or assembly, or lounging about any court room, private dwelling houses or out-houses, or are found in any house of ill-fame, gambling house, or tippling-shop, shall be deemed to be and they are declared to be vagabonds.

§ 271. [HOW PUNISHED.] It shall be the duty of the sheriff, constable, city marshal and police officers of any county, town, village, city or other municipality in this State, to arrest upon view, or acting at the request of any person: *Provided*, such person shall have first made a written complaint and obtained a warrant from an officer authorized to issue one for the arrest of any such vagabond, to arrest and bring before the nearest justice of the peace or police justice, any such vagabond wherever he may be found, for the purpose of an examination; and the said sheriff, constable, city marshal, police officer or other officer, shall then and there make complaint against such vagabond; and the said justice of the peace or police justice shall, within thirty-six hours thereafter, proceed to try the person accused of being a vagabond; and if he pleads guilty, or if he be found guilty, the said justice of the peace, or police justice may sentence the said vagabond to imprisonment at hard labor upon the streets or highways or in the jail, calaboose or other building used for penal purposes of the county, town, village, city or other municipality in which such vagabond was convicted, or to the house of correction of any city having a contract with such county for the care of prisoners, for a term of not less than ten days and not exceeding six months in the discretion of the said justice of the peace, or police justice; or the said justice of the peace, or police justice may sentence the said vagabond to pay a fine of not less than twenty dollars, nor more than one hundred dollars, and costs of suit; and in default of the immediate payment of said fine and costs so imposed, said vagabond shall thereupon be sentenced to imprisonment at hard labor in said jail, calaboose, or other building used for penal purposes, or in said house of correction, or on the streets or public highways, for a term of not less than five days, nor more than six months, by the said justice of the peace or police justice. In all complaints under this act, the complainant shall set forth the name of the offending person if he can obtain the same; the place and date of the offense, and shall also set forth such other facts as will, if substantiated by competent witnesses, establish the guilt of the prisoner. The justice may cause to be subpoenaed such witnesses as the defendant may request, and may be found within the jurisdiction of such officer issuing such writ of arrest, and the complaint shall be signed and sworn to by the com-

plainant. In all cases under this act the justice shall make a full record of the case, giving the date of the complaint, and of the offense, name of the defendant, if known, and character of the charge; the names of all witnesses examined and his findings, together with all other proceedings had in the case; and when he shall commit any vagabond to the jail, calaboose, or other building used for penal purposes, as hereinbefore stated, or to the house of correction of any city, he shall make out a mittimus and sign the same, directing the same in the name of the People of the State of Illinois, to the sheriff of the county, or to the superintendent of the house of correction of the city or to any officer having charge of any such jail, calaboose or building used for penal purposes as aforesaid, as the case may be, which said mittimus must show the date of the charge, name of the complainant, name of the defendant if known, the offense charged, names of all witnesses examined, date and place of trial, the finding of the court, and the sentence imposed; and it shall command the said sheriff or the said superintendent of the house of correction or any other such officer as aforesaid as the case may be, to receive and to keep the body of the said defendant, as said mittimus may provide until the expiration of the time specified in the sentence, or until he be discharged by due process of law, which said mittimus shall be sufficient warrant to the said sheriff or to the said superintendent of the house of correction, or other officer as the case may be, to hold the body of the said defendant, as by the terms of sentence as in such mittimus commanded: *Provided*, that nothing herein shall be construed to prohibit the officer in charge of any such jail, calaboose, house of correction or other building used for penal purposes, from compelling such prisoner to work at reasonable labor for the benefit of any such county, town, village, city or other municipality wherein said prisoner may have been convicted.

APPROVED April 27, 1877.

WITNESSES.

§ 272. Causing witness to abscond.

AN ACT to amend section 272 of division one (1) of an act entitled "*An act to revise the law in relation to criminal jurisprudence*," approved March 27, 1874. Approved May 22, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section 272, of division one (1) of said act, be amended to read as follows:

§ 272. Whoever, by hiring, persuasion, or otherwise, induces any witness in any criminal cause, or any person having knowledge of any fact tending to show the guilt or innocence of any person suspected or charged with having committed a crime, to leave the State or secrete himself so that he cannot be produced as a witness at any examination or trial of the person so suspected or charged, or whoever having knowledge of any fact tending to show the guilt or innocence of any person suspected or charged with having committed a crime,

takes any money or valuable consideration or gratuity, or promise therefor, upon an agreement or understanding, expressed or implied, not to testify or give evidence of such fact, or to leave the State, or to secrete himself so that he cannot be produced as a witness at any examination or trial of the person so suspected or charged, shall be fined not exceeding \$1,000 or confined in the county jail not exceeding one year, or both.

APPROVED May 22, 1877.

TO PREVENT AND PUNISH WRONGS TO CHILDREN.

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| § 1. Unlawful Employment. | § 4. Endangering life or health. |
| § 2. Unlawful to Exhibit. | § 5. Penalty. |
| § 3. Order as to Custody. | |

AN ACT to prevent and punish wrongs to Children. Approved May 17, 1877.
In force July 1, 1877.

SECTION 1. [UNLAWFUL EMPLOYMENT.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, It shall be unlawful for any person having the care, custody or control of any child under the age of fourteen years, to exhibit, use or employ, or in any manner, or under any pretense, sell, apprentice, give away, let out, or otherwise dispose of, any such child to any person in or for the vocation or occupation, service, or purpose of singing, playing on musical instruments, rope or wire walking, dancing, begging or peddling, or as a gymnast, contortionist, rider or acrobat in any place whatsoever, or for any obscene, indecent or immoral purpose, exhibition or practice whatsoever, or for, or in any business, exhibition or vocation injurious to the health or dangerous to the life or limb of such child, or cause, procure, or encourage any such child to engage therein. Nothing in this section contained shall apply to, or affect the employment or use of any such child as a singer or musician in any church, school or academy, or at any respectable entertainment, or the teaching or learning the science or practice of music.*

§ 2. [UNLAWFUL TO EXHIBIT.] It shall also be unlawful for any person to take, receive, hire, employ, use, exhibit, or have in custody any child under the age and for the purposes prohibited in the first section of this act.

§ 3. [ORDER AS TO CUSTODY.] When upon examination before any court or magistrate it shall appear that any child within the age previously mentioned in this act was engaged or used, for or in any business, or exhibition, or vocation, or purpose prohibited in this act; and when upon the conviction of any person of a criminal assault upon a child in his or her custody, the court or magistrate before whom such conviction is had, shall deem it desirable for the welfare of such child, that the person so convicted should be deprived of its custody; thereafter such child shall be deemed to be in the custody of court, and such court or magistrate may, in its discretion, make such order as to the custody thereof as now is, or hereafter may be, provided by law in cases of vagrant, truant, disorderly, pauper, or destitute children.

§ 4. [ENDANGERING LIFE OR HEALTH.] It shall be unlawful for any person having the care or custody of any child, willfully to cause or permit the life of such child to be endangered, or the health of such child to be injured, or willfully cause or permit such child to be placed in such a situation that its life or health may be endangered.

§ 5. [PENALTY.] Any person convicted under the provisions of the preceding sections, shall for the first offense be fined not exceeding one hundred dollars or imprisoned in the county jail not exceeding three months, or both, in the discretion of the court; and upon conviction for a second or any subsequent offense shall be fined in any sum not exceeding five hundred dollars, or imprisonment in the penitentiary for a term not exceeding two years, or both, in the discretion of the court.

APPROVED May 17, 1877.

COLORING GRAIN.

§ 1. Coloring grain.
§ 2. Shall not keep for sale.

§ 3. Penalty.
§ 4. How fines collected.

AN ACT to prevent frauds in the coloring of grain. Approved May 25, 1877.
In force July 1, 1877.

SECTION 1. [COLORING GRAIN.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That no person shall subject, or cause to be subjected, any barley, wheat, or other grain to fumigation, by sulphur, or other material, or to any chemical or coloring process, whereby the color, quality or germ of such grain is affected.

§ 2. [NOT TO BE ON SALE.] No person shall offer for sale, or procure to be sold, any barley, wheat, or other grain, which shall have been subjected to such fumigation, or other process, as provided in section one (1) of this act, knowing such barley, wheat, or other grain to have been so subjected.

§ 3. [PENALTY.] Any person violating the provisions of this act shall, upon conviction, be punished by fine of not less than one hundred (\$100) dollars, nor more than one thousand (\$1,000) dollars, and imprisonment not exceeding three months in the county jail, and shall also be liable for all damages sustained by any person injured by such violation.

§ 4. [HOW FINES COLLECTED.] Any court of record shall have jurisdiction over this act, and all fines under this act, shall be collected as the statute provides in other criminal cases.

APPROVED May 25, 1877.

CONSPIRACY.

§ 1. To define and punish.

AN ACT to define and punish Conspiracies in the State of Illinois. Approved April 19, 1877. In force July 1, 1877.

SECTION 1. [TO DEFINE AND PUNISH.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* if two or more persons conspire either to commit any offense against the State of Illinois, or any county, incorporated city, village, town or township thereof, or to defraud the State of Illinois, or any county, incorporated city, village, town or township thereof, in any manner, or for any purpose, and one or more of such parties, do any act to effect the object of the conspiracy, all parties to such conspiracy shall be liable to a penalty of not less than one hundred dollars, and not more than five thousand dollars, and to be imprisoned either in the penitentiary or county jail for any period not exceeding two years. The time and place of confinement and the amount of the fine, to be determined by the jury trying the cause. *Provided, However,* this act shall not be construed to modify or repeal any other law now in force in this State.

APPROVED April 19, 1877.

EXTRAVAGANCE IN EXPENDITURE OF MONEY ON PUBLIC WORKS.

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| § 1. Changing specifications, etc. | § 3. Prosecution—Complaint—Affidavit. |
| § 2. Expending money without title to land. | § 3. State's attorney to prosecute—Indictment. |

AN ACT to punish fraud or extravagance in the expenditure of moneys appropriated for Public Improvements. Approved May 28, 1877. In force July 1, 1877.

SECTION 1. [CHANGING SPECIFICATIONS SO AS TO INCREASE EXPENSE.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* whenever the General Assembly shall pass any enactment for the construction or repair of any public work or improvement, of the State, of any character or name whatsoever, and the said enactment shall have become a law, and plans, specifications and estimates for the construction or repair of said public work or improvement have been submitted to and approved by the authorities designated in said law, and an appropriation has been made to defray the estimated expense thereof; any person or persons, commissioner or commissioners, or other officer or officers, entrusted with the execution of said public work or improvement, who shall so change, alter or modify, or permit or connive at such change, alteration or modification by any person or persons under his or their direction or control, directly or indirectly, so as to incur a greater cost and expense in the construction or repair of such public work or improvement, than was specified by the law authorizing it, and the appropriation made in pursuance thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof, in the manner hereinafter provided, shall be fined in a sum not more than five hundred dollars, or punished by

imprisonment in the county jail for a term of not more than twelve month, or by both fine and imprisonment within the limits specified in this section, at the discretion of the court before which he or they may be tried.

§ 2. [SPENDING MONEY WITHOUT OBTAINING TITLE TO LAND.] Any person or persons, commissioner or commissioners, or other officer or officers, entrusted with the construction or repair of any public work, or improvement, as set forth in section one of this act, who shall expend or cause to be expended upon such public work or improvement, the whole or any part of the moneys appropriated therefor, or who shall commence work, or in any wise authorize work to be commenced thereon, without first having obtained a title, by purchase, donation, condemnation or otherwise, to all lands needed for such public work or improvement, running to the People of the State of Illinois; said title to be approved by the Attorney General, and his approval certified by the Secretary of State and placed on record in his office, shall be deemed guilty of a misdemeanor, and upon conviction thereof in the manner hereinafter provided, shall be punished by a fine of not more than \$500, or by imprisonment in the county jail for a term of not more than one year, or by both fine and imprisonment, at the discretion of the court before which he or they may be tried.

§ 3. [PROSECUTION—COMPLAINT—AFFIDAVIT.] Any person or persons, commissioner or commissioners, or other officer or officers, as aforesaid, may be prosecuted in any circuit court of this State, or in any other court having concurrent jurisdiction therewith in criminal cases, on complaint of two or more reputable citizens being filed in the office of the clerk of said court; such complaint to be verified by affidavits.

§ 4. [STATE'S ATTORNEY TO PROSECUTE—INDICTMENT.] It shall be the duty of the State's Attorney of the county in which such complaint and affidavits are filed, to present the same to the grand jury, at the next regular term of court after the filing thereof, and if said grand jury shall indict the person or persons so complained of, it shall further be the duty of said State's Attorney to prosecute and try the alleged offender, or offenders.

APPROVED May 28, 1877.

DESCENT.

§ 1. Rules of Descent.

AN ACT to amend section one of an act entitled "An act in regard to the descent of property," approved April 9, 1872, in force July 1, 1872. Approved May 25, 1877. In force July 1, 1877.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That section one of an act entitled "An act in regard to the descent of property," approved April 9, 1872, in force July 1, 1872, be amended so as to read as follows :

§ 1. [RULES OF DESCENT.] That estates, both real and personal, of residents and non-resident proprietors in this State dying intestate, or whose estates or any part thereof shall be deemed and taken as intestate estate, after all just debts and claims against such estates are fully paid, shall descend to and be distributed in manner following, to-wit:

First. To his or her children and their descendants, in equal parts; the descendants of the deceased child or grand-child taking the share of their deceased parents in equal parts among them.

Second. When there is no child of the intestate, nor descendant of such child, and no widow or surviving husband, then to the parents, brothers and sisters of the deceased and their descendants, in equal parts among them, allowing to each of the parents, if living, a child's part, or to the survivor of them if one be dead, a double portion; and if there is no parent living, then to the brothers and sisters of the intestate, and their descendants.

Third. When there is a widow or surviving husband, and no child or children, or descendants of a child or children of the intestate, then (after the payment of all just debts) one-half of the real estate and the whole of the personal estate shall descend to such widow or surviving husband as an absolute estate forever, and the other half of the real estate shall descend as in other cases, where there is no child or children or descendants of a child or children.

Fourth. When there is a widow or a surviving husband, and also a child or children or descendants of such child or children of the intestate, the widow or surviving husband shall receive, as his or her absolute personal estate, one-third of all the personal estate of the intestate.

Fifth. If there is no child of the intestate or descendant of such child, and no parent, brother or sister or descendant of such parent, brother or sister, and no widow or surviving husband, then such estate shall descend in equal parts to the next of kin to the intestate in equal degree, (computing by the rules of the civil law), and there shall be no representation among collaterals, except with the descendants of brothers and sisters of the intestate; and in no case shall there be any distinction between the kindred of the whole and the half blood.

Sixth. If any intestate leaves a widow or surviving husband and no kindred, his or her estate shall descend to such widow or surviving husband.

Seventh. If the intestate leaves no kindred, and no widow or husband, his or her estate shall escheat to and vest in the county in which said real or personal estate, or the greater portion thereof is situated.

APPROVED May 25, 1877.

DIVORCE.

§ 1. To punish advertising for divorcees.

AN ACT to Punish the Offense of Advertising for Divorces. Approved April 12, 1877. In force July 1, 1877.

SECTION 1. [TO PUNISH ADVERTISING FOR DIVORCES.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That whoever advertises, prints, publishes, distributes or circulates, or causes to be advertised, printed, published, distributed, or circulated, any circular, pamphlet, card, hand-bill, advertisement, printed paper, book, newspaper, or notice of any kind, with intent to procure, or to aid in procuring any divorce, either in this State or elsewhere, shall be fined not less than one hundred dollars (\$100), nor more than one thousand dollars (\$1,000) for each offense, or imprisoned in the county jail not less than three months nor more than one year, or both in the discretion of the Court. This act shall not apply to the printing or publishing of any notice, or advertisement required or authorized by any statute of the State of Illinois.*

APPROVED April 12, 1877.

DRAINAGE.

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| 1. Petition. | 13. Hearing in vacation—Jurors. |
| 2. Drain or Ditch—How constructed. | 14. Jurors—Challenge. |
| 3. Compensation for property taken. | 15. Oath to jury. |
| 4. What petition shall state. | 16. Duty of jury. |
| 5. Parties defendant. | 17. Order upon report of jury. |
| 6. Notice—Hearing. | 18. Cross petition. |
| 7. Service of summons and publication. | 19. Appeals. |
| 8. Hearing of cause. | 20. Right to enter pending appeal. |
| 9. Where there are separate parcels of land. | 21. Compensation how paid. |
| 10. Amendments. | 22. Proceedings to be entered of record. |
| 11. Defense—Pleading. | 23. Who may go on premises. |
| 12. New parties. | |

AN ACT to protect, by levee, lands subject to overflow, and for draining wet or swamp land and coal mines. Approved May 16, 1877. In force July 1, 1877.

SECTION 1. [PETITION.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That when any one or more owner or owners or occupants of any lands, or coal mines, in the State, shall desire to construct a ditch or drain or ditches across the lands of another or others, for agriculture, sanitary or mining purposes, or for all or any one of said purposes, and which tends to the benefit or advantage of the public, and no agreement or arrangement can be made between them and the owners or occupants of said land to make or establish the ditch or drain, the person or persons may then file a petition in the Circuit or County Court of the county in which said ditch or ditches, drain or drains, shall be proposed to be constructed, setting forth the necessity for the same, with the description of its or their proposed starting point, route and terminus, and if it shall be necessary for the drainage of the land, or coal mine, or for sanitary purposes, or either or all of said purposes, that a drain, ditch or levee, or other*

similar work, be constructed, and to the public interest that the work shall be so constructed, the petitioner or petitioners shall so state in the petition and shall set forth the general description of the same as proposed, and shall ask for the condemnation of so much of the lands as may be sufficient to construct and build said ditch or ditches, drain or drains, levee or levees.

§ 2. [DRAIN OR DITCH—HOW CONSTRUCTED.] If the petition is for the draining of any coal mine or mines, or for draining wet land, and it is practicable for the ditch or drain to be made under the surface of the ground, and to the advantage of the owner, and it shall be so required in writing by the owner or occupant of the land over which the same shall be constructed, then the person or persons so constructing such drain or ditch shall so construct and build the same by laying piping or boxing made of substantial and good material, in a good and substantial manner a sufficient distance under the surface of the ground to avoid obstruction or inconvenience to the owner or occupant of the land; but if it cannot be so done, or is unnecessary, then said drain or ditch may be erected upon the surface of the ground, doing as little injury to the owner or occupant as possible. .

§ 3. [COMPENSATION FOR PROPERTY TAKEN.] Private property shall not be taken or damaged for the purpose of erecting such ditch, drain or levee without just compensation if claimed by the owner or occupants, and said compensation shall be ascertained by a jury as hereinafter provided; but if such ditch, drain or levee shall be of benefit to the lands over which it shall be constructed, then the benefits and advantages shall be a set off against compensation that may be claimed by the owner or occupants of such land; but no benefits or advantages shall be set off against the value of the land actually taken.

§ 4. [WHAT PETITION SHALL STATE.] The petition shall set forth the names of all persons owning the land over which such drain, ditch or levee shall be constructed as owner or otherwise, as appearing of record on the record of deeds of said county, if known, or, if not known, stating that fact, and praying such court or Judge to cause the compensation to be paid to the owners of such land or to the person or persons entitled to the same.

§ 5. [PARTIES DEFENDANT.] If the proceedings seek to affect the property of minors or persons under guardianship or conservatorship, idiots or lunatics, the guardian or conservator shall be made party defendants to the proceedings, if any, and if none, the court shall appoint such to defend; and if married woman, the husband shall be made party, if known; and parties interested whose names are unknown shall be made parties defendants by the name and description of unknown owners, but in all such cases an affidavit shall be filed by or on behalf of one or more of the petitioners, setting forth that the names of said parties are unknown to him, her or them.

§ 6. [NOTICE—HEARING.] Said petition may be presented to the Judge in vacation, and the Judge shall note thereon the day of the presentation of the petition to him, and shall note thereon the day when he will hear the same, and shall order the issuance of summonses and the publication of notices to each non-resident or

unknown defendant, and said Clerk of the Court shall at once issue the summonses and give the notices accordingly.

§ 7. [SERVICE OF SUMMONS AND PUBLICATION.] Service of such summons and the publication of such notice shall be made as in cases in chancery in this State.

§ 8. [HEARING OF CAUSE.] Causes may be heard by such Judge in vacation as well as in term time, but no cause shall be heard earlier than ten days after service upon defendants or upon due publication against non-residents or unknown defendants or owners.

§ 9. [WHERE THERE ARE SEPARATE PARCELS OF LAND.] Any number of separate parcels of land situated in the same county may be included in one petition, and the owners or persons interested therein may be joined as petitioners or defendants therein, and the compensation for each may be assessed separately by the same or different juries, as the Court or Judge may direct.

§ 10. [AMENDMENTS.] Amendments to the petition or to any part of the record in the case may be permitted whenever necessary to a fair trial and final determination of the questions involved.

§ 11. [DEFENSE—PLEADING.] If any defense shall be made to the petition, the defendant or defendants shall plead, answer or demur to such petition as in chancery proceedings in this State, and a general replication by the petitioner or petitioners shall be sufficient to make up the issues between the parties.

§ 12. [NEW PARTIES.] Should it be necessary at any time or stage of the proceedings to bring a new party before the Judge or Court, the Judge shall have the power to make such rule or order in relation thereto as may be deemed reasonable and just, and shall have power to make all such necessary rules and orders for notice to parties of the pendency of the proceedings, and to issue all necessary process for the execution of orders and judgments as may be considered necessary by the Court.

§ 13. [HEARING IN VACATION—JURORS.] In cases fixed for hearing petitions in vacation it shall be the duty of the Clerk of the Court in whose office the petition shall be filed, at the time of issuing summons or making publication, to write the names of sixty-four disinterested free-holders of the county on sixty-four separate slips of paper and in the presence of two disinterested free-holders of the county, cause to be selected from the sixty-four names twelve of such persons to act as jurors, such selection to be made by him by lots and without choice or discrimination; and the Clerk shall thereupon issue *venire* directed to the Sheriff of his county, commanding him to summons the twelve persons so selected as jurors to appear at the Court House in such county, at the time to be named in such *venire*.

§ 14. [JURORS—CHALLENGE.] The petitioner or petitioners and every party to the proceedings interested in ascertaining the amount of compensation shall have the same right of challenge of jurors as in other cases in the courts of this State. If the panel be not filled by reason of non-attendance or by being exhausted by challenge, the judge hearing such petition shall designate by name the necessary

number of persons of proper qualifications, and the clerk shall issue another *venire*, returnable instanter, until the jury be filled.

§ 15. [OATH TO JURY.] When the jury is so selected the court shall cause the following oath to be administered to the jury: "You, and each of you, do solemnly swear (or affirm) that you will well and truly ascertain and report just compensation to the owners (and each owner) of the property that is sought to be damaged in this case and to each person therein interested according to the facts in the case as the same may appear by the evidence in the case, and that you will truly report such compensation as ascertained; so help you God."

§ 16. [DUTY OF JURY.] The jury shall go upon the land sought to be taken in person and examine the same, and after hearing the evidence in the case that may be offered, make their report in writing to the court, and the same may be subject to amendment by the jury, under the direction of the court, as the case may be, so as to be clearly set forth and shown, the compensation ascertained to each person thereto entitled.

§ 17. [ORDER UPON REPORT OF JURY.] The judge or court shall upon such report proceed to adjudge and make such order as to right and justice shall pertain, ordering the petitioner or petitioners or persons authorized by law to enter upon said property, and the use of the same upon the petitioner or petitioners, or other persons interested, paying the full compensation as ascertained, as aforesaid, if any is found by the jury; and such order, with evidence of payment, shall constitute complete justification for the taking of such property for the purposes aforesaid.

§ 18. [CROSS PETITION.] Any person not made a party may become such by filing his cross petition, setting forth and showing that he is the owner or has an interest in the property which is asked to be taken or damaged by the proposed work, and the right of such last named petitioner or petitioners, shall thereupon be fully considered and determined.

§ 19. [APPEALS.] In all cases in either the circuit or county courts, or before the circuit or county judge, an appeal may be taken from the county court to the circuit court, and from the circuit court to the supreme court, as in other cases of appeals from said court as is now provided for by law.

§ 20. [RIGHT TO ENTER PENDING APPEAL.] In cases in which compensation shall be ascertained as aforesaid, if the party in whose favor the same is ascertained shall appeal such proceedings, the petitioner or petitioners shall, notwithstanding, have a right to enter upon the use of the property upon entering into a bond with sufficient security, payable to the party interested in such compensation, conditioned for the payment of such compensation as shall be fully adjudged in the case, and in case of appeal by petitioner or petitioners, they shall enter into like bond with approved security, said bond shall be approved by the Judge before whom the proceedings were had, or the Clerk of said Court, and executed and filed with said Clerk at such time as may be fixed by the Court, or as is now fixed by law.

§ 21. [COMPENSATION HOW PAID.] Compensation so adjudged may in all cases be paid into the Court, before whom the proceedings were

had, and the Clerk shall on demand pay the same to the party entitled thereto, taking a receipt for the same; or payment may be made directly to the party entitled to receive the same by the petitioner or petitioners or persons compelled to pay the same.

§ 22. [PROCEEDINGS TO BE ENTERED OF RECORD.] The Court or Judge shall cause the verdict of the jury and the proceedings of the Court to be entered upon the records of said Court.

§ 23. [WHO MAY GO ON PREMISES.] The person or persons constructing such drain or ditch may go upon the lands of the owners with their servants, teams, tools and instruments for the purpose of constructing the same, and may forever thereafter go upon said lands as aforesaid for the purpose of repairing and keeping such ditch or drain in order, doing no more damage than the necessity of the occasion shall require.

APPROVED May 16, 1877.

DRAM SHOPS.

§ 2. Selling liquor without license.

| § 6. Selling or giving to minor or drunkards.

AN ACT to amend section two (2) and six (6) of "An act to provide for the licensing of, and against the evils arising from the sale of intoxicating liquors," approved March 30, 1874. Approved May 18, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* sections (2) and six (6) of "An Act to provide for the licensing of, and against the evils arising from the sale of intoxicating liquors," approved March 30, 1874, be amended so as to read as follows:

§ 2. [SELLING LIQUOR WITHOUT LICENSE.] Whoever, not having a license to keep a dram shop, shall, by himself or another, either as principal, clerk or servant, directly or indirectly, sell any intoxicating liquor in any less quantity than one gallon, or in any quantity to be drank upon the premises, or in or upon any adjacent room, building yard, premises or place of public resort, shall be fined not less than twenty dollars, nor more than one hundred dollars, or imprisoned in the county jail not less than ten nor more than thirty days, or both, in the discretion of the court.

§ 6. [SELLING OR GIVING TO MINOR OR DRUNKARD.] Whoever, by himself, or his agent or servant, shall sell or give intoxicating liquor to any minor without the written order of his parent, guardian, or family physician, or to any person intoxicated, or who is in the habit of getting intoxicated, shall, for each offense, be fined not less than twenty dollars, nor more than one hundred dollars, or imprisoned in the county jail not less than ten nor more than thirty days, or both, according to the nature of the offense: *Provided, This*

act shall not affect any prosecution pending at the time this act takes effect, but in every such prosecution the accused shall, upon conviction, be punished in the same manner in all respects as if this act had not been passed.

APPROVED May 18, 1877.

ELECTIONS.

§ 68. Affidavit of Witness.

AN ACT to amend section 68, of an act, in regard to elections, and to provide for filling vacancies in elective offices. Approved April 3, 1872, approved May 24, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* section 68, of an act, entitled "An act, in regard to elections and to provide for filling vacancies in elective offices," approved April 3, 1872, be amended to read as follows:

§ 68. [AFFIDAVIT OF WITNESS.] In addition to such an affidavit, the person so challenged shall produce a witness personally known to the judges of election, and resident in the precinct (or district), or who shall be proved by some legal voter of such precinct or district, known to the judges to be such, who, shall take the oath following, viz: "I do solemnly swear (or affirm) that I am a resident of this election precinct, (or district), and entitled to vote at this election, and that I have been a resident of this State for one year last passed, and am well acquainted with the person whose vote is now offered; that he is an actual and *bona fide* resident of this election precinct, (or district) and has resided herein thirty days, and, as I verily believe, in this county ninety days, and in this State, one year next preceding this election."

APPROVED May 24, 1877.

§ 1. Repeals an Act—Election.

AN ACT to repeal an act entitled "An act to fix the place of holding elections in the town of Silver Creek, in the county of Stephenson," approved, February 19, 1867. Approved May 25, 1877. In force July 1, 1877.

SECTION 1. [ELECTION—TOWN OF SILVER CREEK.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* the act entitled "An act to fix the place of holding elections in the town of Silver Creek, in the county of Stephenson," approved February 19, 1867, be, and the same is hereby repealed.

APPROVED May 25, 1877.

EVIDENCE AND DEPOSITIONS.

§ 22. State Patents—When Copy of Record Evidence.

AN ACT to amend section 22 of "*An act in regard to Evidence and Depositions in Civil Cases,*" approved March 29, 1872. Approved May 21, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section 22 of said act be amended so as to read as follows :

§ 22. [STATE PATENTS—WHEN COPY OF RECORD EVIDENCE.] In all cases where any lands or lots have been or may be sold by this State or any of the officers thereof, under the authority of any law of this State, whereof the patent shall be issued by the Governor, under the seal of this State, and in case said patent has been or shall purport to be recorded in the Recorder's office of the county where the lands or lots are situated, and said patent shall be lost, or out of the power of the party desiring to use the same to produce in evidence, a copy of the record of said patent, certified by the Recorder of said county, may be read in evidence in place of said original patent; which copy certified as aforesaid, shall be *prima facie* evidence of the issuing of said patent; and of the contents thereof. The provisions of this section shall apply to deeds executed by the Trustees of the Illinois and Michigan canal, and to patents for land issued or granted by the United States.

APPROVED May 21, 1877.

EXEMPTIONS.

- | | |
|---|---|
| 1. Personal property exempt.
2. Debtor to make schedule.
3. Death of head of family, etc. | 4. Property not exempt for wages of servant.
5. Penalty for seizing exempt property.
6. Repeal. |
|---|---|

AN ACT to exempt certain personal property from attachment and sale on execution, and from distress for rent. Approved May 24, 1877. In force July 1, 1877.

SECTION 1. [PERSONAL PROPERTY EXEMPT.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the following personal property, owned by the debtor, shall be exempt from execution, writ of attachment and distress for rent, viz: 1st, The necessary wearing apparel, Bibles, school books, and family

pictures of every person, and 2d, one hundred dollars' worth of other property to be selected by the debtor, and in addition when the debtor is the head of a family and resides with the same, three hundred dollars' worth of other property, to be selected by the debtor: *Provided*, That such selection and exemption shall not be made by the debtor or allowed to him or her from any money salary or wages due him or her from any person or persons or corporation whatever.

§ 2. [DEBTOR TO MAKE SCHEDULE.] Whenever any debtor against whom an execution, writ of attachment or distress warrant has been issued desires to avail himself or herself of the benefit of this act, he or she shall make a schedule of all of his or her personal property of every kind and character, including money on hand, and debts due and owing to the debtor, and deliver the same to the officer having the execution, writ of attachment or distress warrant, which said schedule shall be subscribed and sworn to by the debtor, and any property owned by the debtor and not included in said schedule shall not be exempt as aforesaid. And thereupon the officer having the execution, writ of attachment or distress warrant shall summon three householders, who, after being duly sworn to fairly and impartially appraise the property of the debtor, shall fix a fair valuation upon each article contained in said schedule, and the debtor shall then select from such schedule, the articles he or she may desire to retain, the aggregate value of which shall not exceed the amount exempted to which he or she may be entitled, and deliver the remainder to the officer having the writ, and the officer having such writ is hereby authorized to administer the oaths required herein of the debtor and appraisers.

§ 3. [DEATH OF HEAD OF FAMILY.] When the head of a family shall die, desert, or not reside with the same, the family shall be entitled to and receive all the benefit and privileges which are by this act conferred upon the head of a family residing with the same.

§ 4. [PROPERTY NOT EXEMPT FOR WAGES OF SERVANT.] No personal property shall be exempted from levy of attachment or execution when the debt or judgment is for the wages of any laborer or servant: *Provided*, The court rendering judgment shall find that the demand so sued for is for wages due such person as laborer or servant; which finding shall be expressed in the record of said judgment and endorsed upon the execution when issued.

§ 5. [PENALTY FOR SEIZING EXEMPT PROPERTY.] If any officer, by virtue of any execution or other process, or any other person by any right of distress shall take or seize any of the articles of property exempted as herein provided from levy and sale, such officer or person shall be liable to the party injured for double the value of the property so illegally taken or seized, to be recovered by action of trespass with costs of suit.

§ 6. [REPEAL.] That sections 13 to 17 inclusive, of an act to amend an act entitled "An act to exempt the homestead from forced sale and to provide for setting off the same and to exempt certain personal property from attachment and sale on execution and from distress for rent," approved April 30th, 1873, and in force July 1st, 1873, and all other acts and parts of acts inconsistent with the provisions

of this act, are hereby repealed. But this section shall not be construed so as to affect any rights that may have accrued, or any suits or proceedings that may be pending when this act shall take effect, nor to repeal or affect any of the provisions of an act to revise the law in relation of landlord and tenant.

APPROVED May 24, 1877.

FEES AND SALARIES.

§ 5. Judges of City Courts—County Judges.

AN ACT to amend section five (5) of an act entitled, "*An Act concerning Fees and Salaries, and to Classify the several Counties of this State with reference thereto*," approved March 29, 1872. In force July 1st, 1872. Approved May 11, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That sections five (5), of an act entitled, "*An Act concerning Fees and Salaries and to classify the several Counties of this State with reference thereto*," approved March 29, 1872, be and the same is hereby amended so as to read as follows:

§ 5. [JUDGES OF CITY COURTS—COUNTY JUDGES.] Judges of inferior courts of record in towns and cities shall be allowed, and receive in lieu of all other fees, perquisites or benefits whatsoever, in cities or towns having a population not exceeding five thousand (5,000) inhabitants, five hundred dollars (\$500); and in cities or towns having more than five thousand (5,000) inhabitants, fifteen hundred dollars (\$1,500), to be paid out of the city or town treasury: *Provided*, That in cities having a population of one hundred thousand (100,000) or more, the city or common council may give such additional compensation, to be paid out of the city or town treasury, to the judge or judges of such court, as shall be deemed reasonable, not exceeding a sum sufficient to make the entire salary five thousand dollars (\$5,000), which additional compensation shall be fixed prior to the election of such judge or judges, and shall be provided for in the annual appropriation ordinance of each year, and shall not be increased or diminished during the term of office of such judge or judges. County judges shall be allowed such salary as shall be fixed by their respective boards, to be paid out of the county treasury.

APPROVED May 11, 1877.

MASTERS IN CHANCERY.

§ 20. Fees of.

AN ACT to amend Section Twenty (20) of an act entitled "*An Act concerning Fees and Salaries, and to classify the several counties of this State with reference thereto*," approved March 29, 1872, title as amended by act approved March 28, 1874. Approved May 25, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section twenty (20) of an act entitled "*An act concerning fees and salaries, and to classify the several counties of this State with reference thereto*," approved March 29, 1872, title as amended by act approved March 28, 1874, be amended so as to read as follows :

MASTERS IN CHANCERY.

§ 20. [FEES OF.] For administering oaths and signing jurat, when not taking evidence or depositions, ten cents (10c).

For taking acknowledgment or proof of any deed, or other written instrument, twenty-five cents (25c).

For taking depositions and certifying, for every one hundred words, fifteen cents (15c).

For taking and reporting testimony under order of court, the same fee as for taking depositions.

For computing the amount due on which to render a decree, and making a report thereof to court, where no oral evidence is taken, two dollars (\$2.00).

For examining questions of law and fact in issue by the pleadings, and reporting conclusions, whenever specially ordered by the court, a sum not exceeding ten dollars (\$10).

For making sales and deeds thereon, the same fees and allowances as sheriffs; but in no suit, or other proceeding, shall such fee and commission exceed two hundred dollars (\$200); for making a deed alone, in other cases, when required by order or decree of court, three dollars (\$3).

For report of sale in every suit or proceeding when a sale is had, two dollars (\$2).

For hearing and deciding application for writs of *ne exeat* or injunction, to be advanced by the complainant and taxed with the costs, five dollars (\$5).

For ordering, or refusing to order, a writ of *habeas corpus*, or *certiorari*, one dollar (\$1).

And no other fee or allowance whatever shall be made for services by masters in chancery.

In counties of the third class, masters in chancery may receive for examining questions in issue referred to them, and reporting conclusions thereon, such compensation as the court may deem just, and for services not enumerated above in this section, and which have been and may be imposed by statute or special order, they may receive such fee as the court may allow.

APPROVED May 25, 1877.

FEES OF COUNTY COLLECTORS.

§ 21. Commissions.

AN ACT to amend section 21 of an act entitled "*An act concerning Fees and Salaries, and to classify the several Counties of this State with reference thereto,*" as amended by act approved March 28, 1872. Approved May 22, 1877. In force July 1, 1877.

SECTION 1. [COMMISSIONS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section 21 of chapter 53 of the revised statutes of 1874, entitled "Fees and Salaries," be and is hereby amended to read as follows: Section 21—County Collectors shall be allowed a commission on all money collected by them and paid over to the proper officer of three (3) per cent. in counties of the first class; of two (2) per cent. in counties of the second class; of one and one-half ($1\frac{1}{2}$) per cent. in counties of the third class, excepting on all moneys said county collectors collect for incorporated cities, villages and other municipalities in counties under township organization, upon which said county collectors shall be allowed a commission of one (1) per cent. on all moneys collected by them for such cities and paid over by them to the proper officer; and excepting further, in counties having adopted township organization, county collectors shall be allowed on moneys paid over to them by township collectors, as commission on such moneys in counties of first class, only one and one-half ($1\frac{1}{2}$) per cent.; in counties of second class only one (1) per cent., and in counties of third class, only three-fourths ($\frac{3}{4}$) of one per cent. In addition to the foregoing, said county collectors shall be allowed, in settlement of State taxes with the Auditor, ten cents per mile for each mile of necessary travel in going to and returning from the seat of government for the purpose of paying over such tax. They shall also be allowed for making lists of delinquent real estate, to be filed with the county clerk for judgment, three (3) cents for each tract or lot; a like fee for making delinquent lists for the printer, and for selling lands and town lots, ten (10) cents for each tract and three (3) cents for each lot to be charged and collected as costs.

APPROVED May 22, 1877.

FEES AND COMPENSATION OF CLERKS OF COURTS OF RECORD, EXCEPT IN PROBATE MATTERS—IN COUNTIES OF THE THIRD CLASS.

AN ACT to amend section 33 of an act entitled "*An act concerning Fees and Salaries, and to classify the several counties of this State with reference thereto,*" approved March 29, 1872. Title as amended by act approved March 28, 1874. Approved May 21, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section thirty-three (33) of an act entitled "An act concerning fees and salaries, and to classify the several counties of this State with reference thereto, approved March 29, 1872, title as amended by act approved March 28, 1874," be and hereby is amended to read as follows:

§ 33. At the time of commencement of every suit at law, or in equity, in any court of record in counties having a population exceeding seventy thousand inhabitants, in this State, the party or parties commencing such suit, or in case of an appeal from an inferior court, the party or parties appellant or appellants, or in case of an application for judgment upon any special assessment or special tax levied by any incorporated town or city, such town or city shall pay to the clerk of the court the sum of six dollars, to be taxed as costs in the suit, which said sum shall be in full payment for all services of such clerk on behalf of the plaintiff or plaintiffs, complainant or complainants, petitioner or petitioners, appellant or appellants, in the progress of such suit from the commencement to the final termination thereof, except the making of copies of papers or orders, a complete record, or a record for a higher court: *Provided, however,* that in all cases of appeal from a justice of the peace, where the appellant shall file in the office of the justice of the peace, in such counties, his bond required by section sixty-two (62) of an act entitled "An act to provide for the election and qualification of justices of the peace and constables, and to provide for the jurisdiction and practice of justices of the peace in civil cases and fix the duties of constables, and to repeal certain acts therein named," approved April 1, 1872, he shall also, and at the same time, pay the six dollars mentioned in this section to the justice, for the use of the clerk of the court to which the appeal is taken, and upon failure to do so, it shall be the duty of the justice not to allow the appeal. And in case of any application for judgment for city, county, State, town, or other general taxes, there shall be paid to the clerk, by the corporation so applying for judgment, the sum of three cents for each and every tract of land upon which judgment shall be rendered by the court, which said sum shall be in full payment for all services to be performed by such clerk in the progress of such suit upon such application from its commencement to the final termination thereof. And the defendant or defendants, respondent or respondents, appellee or appellees, before he, she or they shall be entitled to enter his, her or their appearance or file any pleas, answer or demurrer in any suit at law, or in equity, shall pay to the clerk of the court the sum of one dollar and fifty cents to be taxed as costs in the suit, which, in like manner, shall be in full payment of and for all services rendered, or to be rendered, by the clerk, for or on behalf of the defendant or defendants, respondent or respondents, appellee or appellees, in or during the progress of such suit to the final termination thereof, except for the making of copies of papers or records, a complete record, or a record for a higher court. Clerks of courts of record in this State, in counties of the third class, shall be allowed further fees, as follows: For taking and certifying the acknowledgement of a deed, or other writing, twenty-five cents; for swearing any person to an affidavit not to be used in a case in the court of which he is clerk, with certificate and seal, twenty-five cents; for each certificate and seal, not in a case in the court whereof he is clerk, twenty-five cents; for making and certifying a copy of any paper or record in any case or proceeding, and for taking depositions, for every one hundred words, ten cents; for filing declaration of intention to become a citizen, administering oath to applicant and

certifying declaration under seal, fifty cents; for filing papers on application for naturalization, for administering oaths to party and witnesses for making entry of record of naturalization, and for making and certifying copy of same under seal of court, fifty cents.

APPROVED May 21, 1877.

FEES OF CONSTABLES.

§ 41. Fees of Constables of the first class—Emergency.

AN ACT to amend section forty-one of an act entitled "An act concerning fees and salaries, and to classify the several counties of this State, with reference thereto," approved March twenty-ninth, one thousand eight hundred and seventy-two, title as amended by act approved March twenty-eighth, one thousand eight hundred and seventy-four. Approved and in force May 17, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That section forty-one of an act entitled "An act concerning fees and salaries, and to classify the several counties of the State with reference thereto," approved March 29, 1872, title as amended by act approved March 28, 1874, be, and hereby is so amended as to read as follows:*

FEES OF CONSTABLES IN COUNTIES OF FIRST AND SECOND CLASS.

§ 41. The fees of constables in counties of the first and second class, for any service to be rendered by them, shall be as follows:

For advertising property for sale, fifty cents;

For attending trial and waiting on a jury, fifty cents;

For each day's attendance in the circuit court when required, to be paid out of the county treasury, two dollars and fifty cents;

For taking and approving replevin bond, fifty cents;

For taking and approving forthcoming bond, or special bail, fifty cents.

Commissions on sales not exceeding ten dollars, ten per cent., and on the excess of that amount, five per cent.; and in cases when an execution in the hands of any constable shall be settled by the parties or paid, or when the property levied on shall not be sold, by reason of such settlement or payment, the constable shall be allowed five per cent. on the first ten dollars, and two and one-half per cent on the excess.

Constables shall be allowed reasonable charges, to be fixed by the justice, for removing and taking care of property levied on by them, which in no case shall exceed the actual expense incurred.

For mileage when serving a warrant, summons, subpoena or other process, five cents per mile, each way, for actual distance travelled by him in making such service, the distance to be computed from the office of the justice to the residence of each person served;

For mileage in taking a person to jail, from the office of the justice, ten cents per mile, and all actual and necessary expenses incurred to be paid out of the county treasury;

For serving and returning a summons, thirty-five cents; warrant for each person served, fifty cents.

For serving and returning a writ of replevin or attachment, for each person served, fifty cents;

For serving a subpoena, for each person served, twenty-five cents;

For serving venire, fifty cents;

For serving a writ of restitution, in cases of forcible entry and detainer, one dollar, and necessary expenses of assistants, to be determined by the justice;

For serving and returning each execution, fifty cents;

For serving mittimus, fifty cents;

For serving a warrant on appraisers in cases of estrays, twenty-five cents.

EMERGENCY.

Inasmuch as the law now in force as to the compensation of constables for necessary expenses incurred by them in holding property levied on until the time of sale, is defective, an emergency exists requiring this act to take effect immediately; therefore, this act shall take effect and be in force from after its passage.

APPROVED May 17, 1877.

THE FISCAL YEAR—REPORTS TO THE GOVERNOR.

§ 1. Reports—Time of Making—The Fiscal Year. | § 2. Emergency.

AN ACT to amend section two (2) of an act entitled "*An act to change the fiscal year of the State, and designate the time reports shall be made to the Governor by the Secretary of State, Auditor of Public Accounts, State Treasurer, Adjutant General, State Entomologist, Commissioners of the Penitentiary, Trustees of the Industrial University, the Trustees of the Normal Universities, the State Board of Agriculture, the Trustees of the Reform School, the Board of Public Charities and the Trustees of the State Charitable Institutions,*" approved March 29, 1875. Approved and in force May 25, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That section two (2) of an act entitled "An act to change the fiscal year of the State, and designate the time reports shall be made to the Governor by the Secretary of State, Auditor of Public Accounts, State Treasurer, Adjutant-General, State Entomologist, Commissioners of the Penitentiary, Trustees of the Industrial University, the Trustees of the Normal Universities, the State Board of Agriculture, the Trustees of the Reform School, the Board of Public Charities and the Trustees of the State Charitable Insti-*

tutions" approved March 29, 1875, be amended so as to read as follows :

§ 2. [REPORTS—TIME OF MAKING—THE FISCAL YEAR.] The Secretary of State, Auditor of Public Accounts, State Treasurer, Adjutant General, State Entomologist, Commissioners of the Penitentiary, Trustees of the Industrial University, the Trustees of the Normal Universities, the State Board of Agriculture, the Trustees of the Reform School, the Board of Public Charities and the Trustees of the State Charitable Institutions shall be on or before the first day of November in the year eighteen hundred and seventy-six, and biennially thereafter, make and deliver to the Governor such reports as they are now required by law or the constitution to make of their acts and doings respectively, closing with the fiscal year preceding each regular session of the General Assembly, and no other annual or biennial report shall be made by such officers, except the insurance report of the Auditor of Public Accounts, which shall be made annually.

§ 2. [EMERGENCY.] No provision having been made in the laws for the annual insurance report of the Auditor of Public Accounts for the year 1877, and the publication of the same being vital to the insurance interests of the State, an emergency exists, therefore this act shall take effect and be in force from and after its passage.

APPROVED May 25, 1877.

FORCIBLE ENTRY AND DETAINER.

§ 18. Appeal—Writ of Restitution—Bond by Plaintiff. | § 20. Plaintiff' Appeal Bond.

AN ACT to amend sections 18 and 20 of an act entitled "*An act in regard to forcible entry and detainer*," approved and in force February 16, 1874. Approved May 24, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section 18 of an act entitled "*An act in regard to forcible entry and detainer*," approved and in force February 16th, 1874, be amended so as to read as follows :

§ 18. [APPEAL—WRIT OF RESTITUTION—BOND BY PLAINTIFF.] If any party shall feel aggrieved by the decision of the justice, the verdict of the jury, or decision of the court, upon any trial had under this act, such party may have an appeal, to be taken to the same courts, in the same manner, and tried in the same way as appeals are taken and tried in other cases; when the relation of landlord and tenant exists, and rent has become due and is unpaid or the term has expired by limitation: *Provided*, The appeal is prayed and bond is filed within five days from the rendition of the judgment; and *Provided, further*, that when judgment is rendered for the plaintiff, a writ of restitution shall issue in all cases, if the plaintiff shall within five days from the rendition of such judgment give and file a bond in a

reasonable sum, conditioned to pay all such damages and costs as may be awarded against him if final judgment is rendered for the defendant; and on trial, if the the jury find for the defendant, they shall find the damages sustained by him; and in case of non-suit, his damages shall be assessed by the court; and the claimant may give evidence of any claim for rent of the premises, to be set off against damages claimed by the defendant. If the defendant prevails, the court may, or may not, as justice requires, issue a writ to restore him to possession of the premises.

§ 2. That section 20 of said act be amended so as to read as follows :

§ 20. [PLAINTIFF'S APPEAL BOND.] If the plaintiff appeals, the condition of the bond shall be, as in other cases of appeal, when taken by the plaintiff, except as otherwise provided by law.

APPROVED May 24, 1877.

GAME.

§ 1. When game may not be killed.

| § 6. Selling, etc., after five days.

AN ACT to amend an act entitled "*An act to revise and consolidate the several acts relating to the protection of game, and for the protection of deer, wild fowl and birds, and to repeal certain laws,*" approved May 3, 1873. In force July 1, 1873. Approved May 14, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That sections one (1) and six (6) of an act entitled "*An act to revise and consolidate the several acts relating to the protection of game, and for the protection of deer, wild fowl and birds, and to repeal certain laws,*" approved May 3, 1873, and in force July 1, 1873, be amended so as to read as follows :

§ 1. [WHEN GAME MAY NOT BE KILLED.] That it shall be unlawful for any person or persons to hunt or pursue, kill or trap, net or ensnare, destroy, or attempt to kill, trap, net, ensnare, or otherwise destroy any prairie hen or chicken, or any woodcock, between the fifteenth day of January and the first day of September in each and every year; or any deer, fawn, wild turkey, ruffed grouse (commonly called partridge), or pheasant, between the first day of February and the first day of October in each and every year; or any quail between the first day of February and the first day of November in each and every year; or any wild goose, duck, snipe, brant or other water fowl, between the first day of May and the fifteenth day of August in each and every year: *Provided,* That it shall be unlawful for any person or persons to net any quail at any time after this act shall take effect and be in force; and *provided further,* That it shall be unlawful for any person or persons who is or are non-residents of this State, to kill, ensnare, net or trap any deer, fawn, wild turkey, prairie hen or chicken, ruffed grouse, quail, woodcock, wild goose, wild duck or brant, or any

snipe, in any county of this State, at any time, for the purpose of selling or marketing or removing the same outside of this State. Every person who violates any of the provisions of this section shall, for each and every offense, be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not less than five dollars (\$5) nor more than twenty-five dollars (\$25) and costs of suit for each and every separate bird or animal, of the above enumerated list, so unlawfully hunted or pursued, killed, trapped, netted, ensnared or destroyed, or attempted to be killed, trapped, netted, ensnared or otherwise destroyed, and shall stand committed to the county jail until such fine and costs are paid, but such imprisonment shall not exceed ten days.

§ 6. [SELLING, ETC., AFTER FIVE DAYS.] No person or persons shall sell or expose for sale, or have in his or their possession, for the purpose of selling or exposing for sale, any of the animals, wild fowls or birds mentioned in section one of this act, after the expiration of five days next succeeding the first day of the period in which it shall be unlawful to kill, trap, net or ensnare such animals, wild fowls or birds. And any person so offending shall, on conviction, be fined and dealt with as specified in section one of this act: *Provided*, That the provisions of this act shall not apply to the killing of birds by or for the use of taxidermists for preservation either in public or private collections, if so preserved.

APPROVED May 14, 1877.

GENERAL ASSEMBLY.

OFFICERS OF THE GENERAL ASSEMBLY.

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| 1. Officers of the Senate. | 8. How drawn. |
| 2. Officers of the House. | 9. Removal of officers. |
| 3. Enrolling and engrossing clerks, etc. | 10. Not to receive pay—When. |
| 4. Clerks of committees. | 11. No additional officers to be employed. |
| 5. Policemen—Pages. | 12. Are officers of Assembly. |
| 6. Private secretary. | 13. Repeal. |
| 7. Pay of officers. | |

AN ACT to provide for the election and appointment of the Officers and Employees of the General Assembly of the State, and to fix their compensation. Approved May 28, 1877. In force July 1, 1877.

SECTION 1. [OFFICERS OF THE SENATE.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the Senate of the General Assembly at the organization of each regular session of said Senate, shall elect the following officers, viz: A President of the Senate, *pro tem*; a Secretary and two Assistants; a Sergeant-at-Arms and two Assistants; a Postmaster and one Assistant.

§ 2. [OFFICERS OF THE HOUSE.] The House of Representatives of the General Assembly, at the organization of each regular session of said House, shall elect the following officers, viz: A Presiding Officer of said House; a Chief Clerk and three Assistants; a Doorkeeper and three Assistants; a Postmaster and one Assistant.

§ 3. [ENROLLING AND ENGROSSING CLERKS, ETC.] The Senate and House of Representatives shall each elect an Enrolling and Engrossing Clerk, and two Assistants; but such election shall not take place in the Senate or House of Representatives until after the Chairman of the Committee on Enrolled and Engrossed Bills shall report to said Senate or House that the services of said Enrolling and Engrossing Clerk are necessary for the transaction of the business of the General Assembly.

§ 4. [CLERKS OF COMMITTEES.] The Senate and the House of Representatives, each by resolution, or as may otherwise be deemed expedient and determined by a majority vote, of either house, appoint or cause to be appointed such number of Committee Clerks as the public service may require, not to exceed ten in the Senate and thirteen in the House of Representatives.

§ 5. [POLICEMEN—PAGES.] The Senate and House of Representatives each may appoint by resolution, or otherwise, Policemen and Pages, not to exceed three Policemen and seven Pages in the Senate, and four Policemen and ten Pages in the House of Representatives. One of said Policemen in the Senate, by direction of the President of the Senate, and one of said Policemen in the House, by direction of the Speaker of the House, shall, in addition to other duties, have charge of, and be responsible for, the transmission of the mail matter for either branch of the General Assembly to and from the Postoffice of the city and the State House.

§ 6. [PRIVATE SECRETARY.] The President of the Senate and the Speaker of the House, by consent of a majority of the members of the branch over which they respectively preside, may appoint a person to act during the session as Private Secretary for such presiding officer.

§ 7. [PAY OF OFFICERS.] The *per diem* to be paid to the officers and employees designated in this act shall be as follows, viz: The Secretary of the Senate and the Clerk of the House of Representatives shall each be paid six dollars per day; the Enrolling and Engrossing Clerks of the Senate and the House, and the Sergeant-at-Arms of the Senate and the Doorkeeper of the House, shall each be paid five dollars per day. The Postmaster of the Senate and the Postmaster of the House, the Assistant Secretaries of the Senate, the Assistant Clerks of the House, and the Assistant Enrolling and Engrossing Clerks of the Senate and of the House, shall each be paid four dollars per day; the Assistant Postmaster of the Senate, the Assistant Postmaster of the House, the Assistant Sergeants [at-Arms] of the Senate and the Assistant Doorkeepers of the House, and the Clerks of the various Committees of the Senate and House shall each be paid three dollars per day. The Private Secretaries of the President of the Senate, and Speaker of the House, shall be paid the same sum *per diem* as the Committee Clerks. The Policemen employed by either branch of the General Assembly shall be paid three dollars per day. The Pages employed by either branch of the General Assembly shall be paid the sum of one dollar and one-half per day. The Janitors employed in the Senate and House of Representatives, and the extra Janitors employed in and around the State House, shall be paid not to exceed two dollars per day.

§ 8. [HOW DRAWN.] The Auditor of Public Accounts is hereby authorized and directed to issue his warrant to the officers and employees designated in this act, upon a statement of the term of service, to be certified as follows, viz: All officers or employees elected or appointed by the House of Representatives upon the certificate of the Speaker of the House. All officers or employees elected or appointed by the Senate, upon the certificate of the President of the Senate, and all employees appointed by the Secretary of State, upon the certificate of the Secretary of State.

§ 9. [REMOVAL OF OFFICERS] Any of the employees designated in this act, for inefficiency or neglect of duty, may be removed or discharged from the service of the State, by the same authority or power that appointed them.

§ 10. [NOT TO RECEIVE PAY—WHEN.] No officer or person, elected or appointed, by either branch of the General Assembly shall receive pay for services in excess of the number of days for which members of the General Assembly are paid: *Provided*, however, that the Secretary of the Senate and his First Assistant, and the Clerk of the House and his First Assistant, may by resolution of that branch of the General Assembly of which he is an officer, be allowed pay for not exceeding ten days after the adjournment of the session, to finish up the work appertaining to their offices.

§ 11. [NO ADDITIONAL OFFICERS TO BE EMPLOYED.] No other officer or employee, not designated in this act, shall be employed by either branch of the General Assembly, except by a two-thirds vote of that branch of the General Assembly desiring such additional officers or employees.

§ 12. [ARE OFFICERS OF ASSEMBLY.] All persons designated in this act to be elected or appointed by either branch of the General Assembly, or by the Secretary of State, shall be considered as officers and employees of the General Assembly, and shall be paid out of the appropriation hereafter made for the pay of the members, officers and employees of the General Assembly of the State.

§ 13. [REPEAL.] All laws and parts of laws in conflict with this act are hereby repealed.

APPROVED May 28, 1877.

GUARDIAN AND WARD.

§ 7. Bond.

| § 28. Proceedings to sell Real Estate.

AN ACT to amend section seven (7) and twenty-eight (28) of an act entitled "An act in regard to Guardians and Wards," approved April 10, 1872. In force July 1, 1872. Approved May 21, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That sections seven (7) and twenty-eight (28) of an act entitled "An act in regard to Guardians and Wards," approved April 10, 1872, in force July 1, 1872, be and the same are hereby amended so as to read as follows:

§ 7. [BOND.] The County Court shall take of the guardian appointed by it, a bond, payable to the People of the State of Illinois, with at least two sufficient sureties, to be approved by the court in a reasonable amount, which shall in no case be less than double the amount of the minor's personal estate, and six times the amount of the gross annual income of the minor's real estate: *Provided, however,* That if such real estate is improved, or is covered in whole or in part with timber, or is improved in part, and in part covered with timber, the penal sum in said bond shall be increased by an amount at least double the value of the said improvements, or of said timber, or both as the case may be; and said bond shall be conditioned substantially as follows: The condition of this obligation is such, that if the above bounden (name of guardian), who has been appointed guardian of (name of infant), shall faithfully discharge the office and trust of such guardian according to law, and shall make a true inventory of all the real and personal estate of the ward, that shall come to his possession or knowledge, and return the same unto the County Court of _____ County, at the time required by law, and manage and dispose of all such estate according to law, and for the best interest of said ward, and faithfully discharge his trust in relation thereto, and to the custody, nurture and education of said ward, and render an account, on oath, of the property in his hands and of the management and disposition of all such estate, within one year after his appointment, and at such other times as shall be required by law or directed by the Court; and upon removal from office, or at the expiration of his trust, settle his accounts in said Court, or with the ward or his legal representatives, and pay over and deliver all the estate, title papers and effects remaining in his hands, or due from him on such settlement, to the person or persons lawfully entitled thereto, then this obligation shall be void, otherwise to remain in full force and virtue.

§ 28. [PROCEEDINGS TO SELL REAL ESTATE.] On the petition of the guardian the County Court of the county where the ward resides, or if the ward does not reside in the State, of the county where the real estate, or some part of it is situated, may order the sale of the real estate of the ward, for his support and education, when the Court shall deem it necessary, or to invest the proceeds in other real estate or for the purpose of otherwise investing the same. *Provided,* The said County Court shall make no order for a sale under said petition until the said

guardian shall have executed and filed a bond, payable to the People of the State of Illinois, with at least two sufficient sureties to be approved by the Court, in double the value of the real estate by said petition sought to be sold, conditioned for the due and faithful accounting for, and disposition of the proceeds of all real estate that may be sold by him, under such order, in the manner provided by law; which bond may be put in suit in the name of the People of the State of Illinois, to the use of any person entitled to recover on a breach thereof, and damages assessed and proceedings had thereon as in other cases of penal bonds.

APPROVED May 21, 1877.

HUSBAND AND WIFE.

ACTION FOR MAINTENANCE AND SUPPORT.

§ 1. Support—Maintenance—Costs.

| § 2. Security—Where suit brought.

AN ACT *in relation to married women.* Approved May 17, 1877. In force July 1, 1877.

SECTION 1. [SUPPORT—MAINTENANCE—COSTS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That married women who, without their fault, now live or hereafter may live, separate and apart from their husbands, may have their remedy in equity in their own names, respectively, against their said husbands for a reasonable support and maintenance while they so live, or have so lived separate and apart; and in determining the amount to be allowed, the court shall have reference to the condition of the parties in life, and the circumstances of the respective cases; and the court may grant allowance to enable the wife to prosecute her suit, as in cases of divorce.*

§ 2. [SECURITY—WHERE SUIT BROUGHT.] Proceedings under this act may be instituted in the county where either the husband or wife resides, and the wife shall not be required to give security for costs in any such proceeding.

APPROVED May 17, 1877.

INSOLVENT DEBTORS.

ASSIGNEE—EXEMPTION—BOND.

§ 1. Assignment—Assignee—Exemption—Bond.

AN ACT to amend section nine, of an act entitled "An Act concerning insolvent debtors," approved April 10, 1872. Approved May 18, 1877. In force July 1, 1877.

SECTION 1. [ASSIGNMENT—ASSIGNEE—EXEMPTION—BOND.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* section nine of the act entitled "An act concerning insolvent debtors," approved April 10, 1872, be so amended as to read as follows: If after full investigation, it shall appear to the court, that the debtor has made a full, fair and complete schedule of all his estate, and all debts which he may be owing at the time, as required by section five of the act to which this is an amendment, and has not fraudulently conveyed, concealed or otherwise disposed of, some part of his estate, with a design to secure the same to his own use, or defraud his creditors, or has not wilfully misused or expended his goods or estate, or some part thereof, for the purpose of defrauding his creditors, it shall be the duty of the court to designate and set out to the debtor such property mentioned in the schedule as is exempt from execution, and to appoint some fit person to act as assignee of the debtor; and such debtor shall immediately by endorsement upon such schedule, and otherwise, as the court may direct, assign to such person all his said estate, except such as shall have been designated as exempt from execution, as aforesaid, or so much of said estate as may be sufficient to pay all the debts, interests, costs and charges in such schedule mentioned. Said assignee shall be required by the court to give a bond for the faithful performance of his trust as such assignee; the conditions of said bond, and the security and the penal sum of the bond to be such as the court shall direct and approve.

APPROVED May 18, 1877.

VOLUNTARY ASSIGNMENT.

1. How made.
2. Notice—Claims.
3. Inventory—Oath—Bond.
4. Proving claim.
5. Mode of proceeding.
6. Final settlement—Costs.
7. Court—Jurisdiction over assignee.

8. When no inventory with assignment.
9. Additional inventory and bond.
10. When claim not due.
11. Power of assignee.
12. When county judge may appoint.
13. Assignment—When void.
14. County court—Jurisdiction of.

AN ACT concerning voluntary assignments, and conferring jurisdiction therein upon County Courts. Approved May 22, 1877. In force July 1, 1877.

SECTION 1. [HOW MADE.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* in all cases of voluntary assignments hereafter made for the benefit of creditor or creditors, the debtor or debtors shall annex to such assignment an in-

ventory, under oath or affirmation, of his, her or their estate, real and personal, according to the best of his, her or their knowledge; and also a list of his, her or their creditors, their residence and place of business if known, and the amount of their respective demands; but such inventory shall not be conclusive as to the amount of the debtor's estate, but such assignment shall vest in the assignee or assignees the title to any other property, not exempt by law, belonging to the debtor or debtors at the time of making the assignment and comprehended within the general terms of the same. Every assignment shall be duly acknowledged and recorded in the county where the person or persons making the same reside, or where the business in respect of which the same is made has been carried on; and in case said assignment shall embrace lands, or any interest therein, then the same shall also be recorded in the county or counties in which said land may be situated.

§ 2. [NOTICE—CLAIMS.] That the assignee or assignees named in such assignment, shall forthwith give notice thereof by publication in some newspaper published in the county, if any; and if none, then in the nearest county thereto, which publication shall be continued at least six weeks, and shall also forthwith send a notice thereof by mail to each creditor, of whom he or they shall be informed, directed to their usual place of residence and notifying the creditors to present their claims under oath or affirmation to him within three months thereafter.

§ 3. [INVENTORY—OATH—BOND.] That the assignee or assignees shall also forthwith file with the Clerk of the County Court where such assignment shall be recorded, a true and full inventory and valuation of said estate, under oath or affirmation, so far as the same has come to his or their knowledge, and shall then and there enter into bonds to the People of the State of Illinois for the use of the creditors in double the amount of the inventory and valuation, with one or more sufficient sureties to be approved by said Clerk, and the said Clerk shall give a receipt therefor, and the assignee or assignees may thereupon proceed to perform any duty necessary to carry into effect the intention of said assignment as respects the collection of debts and the sale of real or personal estate. Which said bond shall be taken in the name of the People of the State of Illinois, and the condition shall be as follows: The condition of this obligation is such that if the above bound _____ assignee of _____ shall in all things discharge his duty as assignee of _____ aforesaid, and faithfully execute the trust confided to him then the above obligation to be void, otherwise to remain in full force.

§ 4. [PROVING CLAIM.] That at the expiration of three months from the time of first publishing notice as before provided, the assignee or assignees shall report and file with the Clerk of the County Court, as aforesaid, a true and full list, under oath or affirmation, of all such creditors of the assignor or assignors, as shall have claimed to be such, with a true statement of their respective claims, and also an affidavit of publication of notice, and a list of the creditors, with their places of residence and the date of mailing, to whom notice has been sent by mail, duly verified.

§ 5. [MODE OF PROCEEDING.] That any person interested as creditor

or otherwise, by himself or attorney, may appear within thirty days after filing such report, and file with said Clerk any exceptions to the claim or demand of any creditor's exhibit as aforesaid, and the Clerk of said Court, upon such person, by himself or attorney, filing in said court good and sufficient bond for cost, to be approved by the Clerk, and executed in the same manner and to like effect in law as is now required in *quidam* actions as provided in sections one and two of an act entitled "An act to revise the law in relation to costs," approved February 11, 1874, shall forthwith cause notice thereof to be given to the creditor, which shall be served as in case of an original notice in the County Court, and shall be returnable at the next term of the County Court in said county; and the said County Court shall, at the next term, proceed to hear the proofs and allegations of the parties in the premises, and shall render such judgment thereon as shall be just, and may allow a trial by jury thereon.

§ 6. [FINAL SETTLEMENT—COSTS.] That at the first term of the said County Court after the expiration of the three months, as aforesaid, should no exception be made to the claim of any creditor, or if exceptions have been made, and the same have been adjudicated and settled by the Court, the said Court shall order the assignee or assignees to make from time to time fair and equal dividends (among the creditors) of the assets in his or their hands, in proportion to their claims, and as soon as may be, and within one year thereafter, to render a final account of said trust to said County Court, and said Court may allow such commissions and allowances to said assignee or assignees, in the final settlement as may be considered by the Court just and right.

§ 7. [COURT—JURISDICTION OVER ASSIGNEE.] That the assignee or assignees, in the execution of assignments, shall at all times be subject to the order and supervision of the County Court when in session, or the Judge of said Court, when not in session, and the said Court or the said Judge may, by citation and attachment, compel the assignee or assignees from time to time to file reports of his or their proceedings, and of the situation and condition of the trust, and to proceed in the faithful execution of the duties required by this act, and to obey the order of such Court when in session, or the said Judge when not in session, in relation to the complete and final settlement, distribution and paying over of the proceeds derived from said trust or any part thereof, until a final settlement and distribution is made.

§ 8. [WHEN NO INVENTORY WITH ASSIGNMENT.] That no assignment shall be declared fraudulent or void for want of any list or inventory as provided in the first section of this act. The County Court of the county may, upon application of the assignee or assignees, or any creditor, compel the appearance in person of the debtor or debtors before such Court, by citation returnable forthwith, or at the next term thereof, and by attachment to answer, under oath, such matters as may then and there be inquired of him, her or them; and such debtor or debtors may then and there be fully examined under oath, as to the amount and situation of his, her or their estate, and the names of the creditors and amounts due to each, with their places of residence; and may compel the delivery to the assignee or assignees, of any property or estate embraced in the assignment.

§ 9. [ADDITIONAL INVENTORY AND BOND.] That the assignee or assignees shall, from time to time, file with the Clerk of the County Court an additional inventory and valuation of any additional property or estate which may come into his or their hands under said assignment, after the filing of the first inventory, as above provided, in the same manner as in the case of the first inventory, and the Clerk may thereupon require additional security by bond, as upon the filing a first inventory.

§ 10. [WHEN CLAIM NOT DUE.] That any creditor may claim debts to become due as well as debts due, but on debts not due a reasonable abatement shall be made when the same are not drawing interest, and all creditors who shall not exhibit his, her or their claim within the term of three months from the publication of notice as aforesaid, shall not participate in the dividends until after the payment in full of all claims presented within said term and allowed by the County Court.

§ 11. [COUNTY COURT—JURISDICTION OF.] That any assignee or assignees, as aforesaid, shall have as full power and authority to dispose of all estate, real and personal assigned, as the debtor or debtors had at the time of the assignment, and to sue for and recover in the name of such assignee or assignees everything belonging or appertaining to said estate, real or personal, and generally to act and do whatsoever the said debtor or debtors might have done in the premises; but no sale of any real estate belonging to said trust shall be made only on notice published as in case of sales of real estate on execution, unless the County Court shall order and direct otherwise.

§ 12. [POWER OF ASSIGNEE—WHEN COUNTY JUDGE MAY APPOINT.] That in case any assignee shall die before the closing of his trust, or in case any assignee shall fail or neglect for the period of twenty days after the making of any assignment, to file an inventory and valuation, and give bonds as required by this act, it shall be the duty of the County Judge of the county, where such assignment may be recorded, on the application of any person interested as creditor or otherwise, to appoint some one or more discreet and qualified person or persons to execute the trust embraced in such assignment; and such person or persons on giving bond with sureties as required above of the assignee or assignees named in such assignment, shall possess all the powers thereby, and by this act conferred upon such assignee or assignees, and shall be subject to all the duties hereby imposed as fully as though he or they are named in the assignment, and in case any security shall be discovered to be insufficient, or on complaint before the County Court it shall be made to appear that any assignee or assignees are guilty of wasting or misapplying the trust estate, said County Court may direct and require the giving additional security, and may remove such assignee or assignees, and may appoint others in their stead to fulfill the duties of said trust; and such person so appointed on giving bond shall have full power to execute such duties, and to demand, and sue for all estate in the hands of the person or persons removed, and to demand and recover the amount and value of all moneys and property or estate so wasted and misapplied, which he or they may neglect or refuse to make satisfaction for, from such person or persons, and his or their sureties.

§ 13. [ASSIGNMENT WHEN VOID.] Every provision in any assignment hereafter made in this State providing for the payment of one debt or liability in preference to another, shall be void, and all debts and liabilities within the provisions of the assignment shall be paid pro rata from the assets thereof.

§ 14. [JURISDICTION OF COUNTY COURTS.] Full authority and jurisdiction is hereby conferred upon County Courts and the Judges thereof, to execute and carry out the provisions of this act, and said courts shall be and remain open at all times for the transaction of business, under this act.

APPROVED May 22, 1877.

INSURANCE.

FIRE, MARINE AND INLAND NAVIGATION.

§ 6. Capital of Joint Stock Companies—of Mutual Companies—Risks of Joint Stock Companies.

AN ACT to amend section six (6) of an act entitled "*An act to incorporate and govern Fire, Marine and Inland Navigation Insurance Companies doing business in the State of Illinois.*" Approved May 11, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section six (6) of an act entitled "*An act to incorporate and govern Fire, Marine and Inland Navigation Insurance Companies doing business in the State of Illinois,*" in force July 1, 1869, shall be amended to read as follows:

§ 6. [CAPITAL OF JOINT STOCK COMPANIES—RISKS.] No joint stock company shall be incorporated under this act in the city of Chicago, nor shall any company incorporated under this act establish any agency for the transaction of business in said city, with a smaller capital than one hundred and fifty thousand dollars (\$150,000), actually paid in in cash, nor in any other county in this State with a smaller capital than one hundred thousand dollars (\$100,000), actually paid in in cash. Nor shall any company formed under this act for the purpose of doing the business of fire or inland navigation insurance on the plan of mutual insurance, commence business, if located in the city of Chicago, nor establish any agency for the transaction of business of said city, until agreements have been entered into for insurance with at least four hundred applicants, the premiums on which shall amount to not less than two hundred thousand dollars (\$200,000), of which forty thousand dollars (\$40,000), at least, shall have been paid in cash, and notes of solvent parties, founded on actual and *bona fide* application for insurance shall have been received for the remainder, nor shall any mutual insurance company in any other part of the State commence business until agreements have been entered into for insurance with at least one hundred applicants, the premiums on which shall amount to not less than fifty thousand dollars (\$50,000),

of which ten thousand dollars (\$10,000) at least shall have been paid in cash and notes of solvent parties founded on actual and *bona fide* applications for insurance shall have been received for the remainder. No one of the notes received as aforesaid shall amount to more than one thousand dollars (\$1,000), and no two notes shall be given for the same risk, or be made by the same person or firm, except where the whole amount of such notes shall not exceed one thousand dollars (\$1,000); nor shall any such note be represented as capital stock, unless a policy be issued upon the same within thirty days after the organization of the company upon a risk which shall not be for a shorter period than twelve months. Each of the said notes shall be payable in part or in whole at any time when the directors shall deem the same requisite for the payment of losses by fire or inland navigation, and such incidental expenses as may be necessary for transacting the business of said company. And no note shall be accepted as part of said capital stock unless the same shall be accompanied by a certificate of a Justice of the Peace, or Supervisor of the town or city where the person making such note shall reside, that the person making the same is in his opinion pecuniarily good and responsible for the same, and no such note shall be surrendered during the life of the policy for which it was given. No joint stock fire insurance company organized under this act, or transacting business in this State, shall expose itself to any loss on any one fire or in land navigation risk or hazard to any amount exceeding ten per cent. of its paid up capital.

APPROVED May 11, 1877.

FIRE, MARINE AND INLAND NAVIGATION.

§ 17. Joint stock companies may extend charter—mutual may become joint stock.

AN ACT to amend section 17 of an act entitled "*An act to incorporate and to govern fire, marine and inland navigation Insurance Companies, doing business in the State of Illinois.*" Approved March 11, 1869. Approved May 21, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* section seventeen (17) of an act entitled "*An act to incorporate and to govern fire, marine and inland navigation insurance companies doing business in the State of Illinois,*" approved March 11, 1869, be, and the same is hereby amended so as to read as follows:

§ 17. [JOINT STOCK COMPANIES MAY EXTEND CHARTER.] Any existing joint stock or mutual fire insurance company heretofore incorporated under the laws of this State, and any company organized under this act, having a capital of at least \$100,000 may, without increasing its capital, at any time within two years previous to the termination of its charter, after giving notice at least once a week, for four weeks, successively, in a newspaper published in the county where such company is located, of such intention, and with a declaration under its corporate seal, signed by the President and two-thirds of its Directors of their desire

for such extension, extend the term of its original charter to the time specified in the twenty-fifth section of this act, by altering and amending the same so as to accord with the provisions of this act, and filing a copy of such amended charter with the declaration aforesaid, in the office of the Auditor of Public Accounts, whereupon the same proceedings shall be had as are required in the tenth section of this act. And any mutual insurance company, heretofore incorporated or organized under any of the laws of this State, having surplus assets, aside from premiums and stock notes sufficient to reinsure all its outstanding risks, after having given notice, once a week, for four weeks, of their intention and of the meeting hereinafter provided for, in a newspaper published in the county where such company is located, may, with the consent of two-thirds of the corporators or members present at any regular annual meeting, or at any special meeting duly called for the purpose, or with the consent in writing of two-thirds of the corporators or members of such company, and the consent also, of three-fourths of the trustees or directors, unless otherwise provided in the charter, become a joint stock company, by conforming its charter to, and otherwise proceeding in accordance with, this act; and every member of such company, on the day of said annual or special meeting, or the date of said written consent; shall be entitled to priority in subscribing to the capital stock of said company, for one month after the opening of the books of subscription to such capital stock, in proportion to the amount of cash premiums paid in by such members on unexpired risks in force on the day of said annual or special meeting, or the date of said written consent; and every company so extended or changed, shall come under the provisions of this act, in the same manner as if it had been incorporated originally under this act: *Provided*, That no mutual fire insurance company shall be entitled to reorganize under this law, or to have its organization renewed or extended unless it shall actually be doing business at the time of the passage of this act.

APPROVED May 21, 1877.

REVOKING CERTIFICATE.

§ 22½. When Auditor may revoke certificate.

AN ACT to amend an act entitled "*An act to incorporate and to govern fire, marine and inland navigation insurance companies doing business in the State of Illinois*," approved March 11th, 1869. Approved May 31, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That an act entitled "*An act to incorporate and to govern fire, marine and inland navigation insurance companies doing business in the State of Illinois*," approved March 11th, 1869, be amended by inserting after section twenty-two (22) an additional section to be numbered Section 22½, as follows, to-wit:

22½. [WHEN AUDITOR MAY REVOKE CERTIFICATE.] If the Audi-

tor has or shall have at any time satisfactory evidence that any annual statement or other report required or authorized by this act, made or to be made by any officer or officers, agent or agents of any corporation, association or partnership, incorporated by or organized under the laws of any State of the United States or any foreign government, is false, it shall be the duty of said Auditor to immediately revoke the certificate of authority granted on behalf of such corporation, association or partnership, and mail a copy of such revocation to each agent thereof in this State. And the agent or agents of such corporation, association or partnership, after such notice, shall discontinue the issuing of any new policy and the renewal of any policy previously issued; and such revocation shall not be set aside nor any new certificate of authority given until satisfactory evidence shall have been furnished to said Auditor that such corporation, association or partnership is in substance and in fact in the condition set forth in such false statement or report, and that all the requirements of said act are fully complied with.

APPROVED May 31, 1877.

COUNTY FIRE INSURANCE COMPANIES.

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| 1. Number of persons required to organize. | 11. Proof of loss—Reference—Award. |
| 2. Declaration of Copy of charter. | 12. Assessment to pay loss. |
| 3. Directors—Election—Voting. | 13. Notice of assessment. |
| 4. Officers. | 14. Suits to recover assessments, etc. |
| 5. Bonds of Treasurer and Secretary. | 15. Annual statement. |
| 6. Powers of corporation. | 16. Withdrawal from company—Notice, etc. |
| 7. Qualification for membership. | 17. Annual statement to Auditor. |
| 8. Property insured—Policies—Duration, etc. | 18. Proceedings to dissolve company. |
| 9. Classification of property. | 19. Township companies may accept benefits. |
| 10. Location of property insured. | |

AN ACT to organize and regulate County Fire Insurance Companies. Approved June 2, 1877. In force July 1, 1877.

SECTION 1. [NUMBER OF PERSONS REQUIRED TO ORGANIZE.] *Be it enacted by the People of the the State of Illinois, represented in the General Assembly,* That any number of persons, not less than twenty-five, residing in any county in this State, who collectively shall own property of not less than fifty thousand dollars (\$50,000.00) in value, which they desire to have insured, may form an incorporated company for the purpose of mutual insurance against loss or damage by fire or lightning.

§ 2. [DECLARATION—COPY OF CHARTER.] Such persons shall file with the Auditor of Public Accounts a declaration of their intention to form a company for the purposes expressed in the preceding section, which declaration shall be signed by all the corporators and shall contain a copy of the charter proposed to be adopted by them. Such charter shall set forth the name of the corporation which shall embrace the name of the city, town or village in which the business office of such company is to be located and the intended duration of the company and if it is found conformable to this act and not inconsistent with the laws and constitution of this State, the Auditor shall thereupon deliver to such* persons a certified copy of the charter.

which, on being filed in the office of the county clerk of the county where the office of such company is to be located, shall be their authority to organize and commence business. Such certified copy of the charter may be used in evidence for or against said company with the same effect as the original: *Provided*, That such charter so obtained shall be subject to control of, and modification by the General Assembly.

§ 3. [DIRECTORS—ELECTION—VOTING.] The number of Directors shall be nine—five of whom shall constitute a quorum to do business—to be elected from the corporators by ballot and hold their offices until their successors are elected and qualified. In the election of the first board of directors each corporator shall be entitled to one vote. All subsequent elections except to fill vacancies shall be held at the annual meeting of the company, which shall be on the first Tuesday after the first Monday of January in each year, and every person insured shall be entitled to as many votes as there are directors to be elected, and an equal additional number for each five hundred dollars (\$500) that he may be insured in the company, and may cast the same in person or by proxy, distributing them among the same or a less number of candidates than the number of directors to be elected or cumulating them upon one candidate, as he shall think fit.

§ 4. [OFFICERS.] The directors shall elect from their number a president and a treasurer, and shall also elect a secretary, who may or may not be a member of the company, all of whom shall hold their office for one year, and until their successors are elected and qualified.

§ 5. [BONDS OF TREASURER AND SECRETARY.] The treasurer and secretary shall each give bonds to the company for the faithful performance of their duties, in such amounts as shall be prescribed by the board of directors.

§ 6. [POWERS OF CORPORATION.] Such corporation and its directors shall possess the usual powers and be subject to the usual duties of corporations and directors thereof, and may make such by-laws, not inconsistent with the constitution or laws of this State, as may be deemed necessary for the management of its affairs in accordance with the provisions of this act; also to prescribe the duties of its officers and fix their compensation, and to alter and amend its by-laws when necessary.

§ 7. [QUALIFICATION FOR MEMBERSHIP.] Any person owning property in the county for which any such company is formed, if he resides in the county in which such company is located, may become a member of such company by insuring therein, and shall be entitled to all the rights and privileges appertaining thereto, but no person not residing in the county in which the company is formed shall become a director of such company.

§ 8. [PROPERTY INSURED — POLICIES—DURATION—AMOUNT—PAYMENT.] Such company may issue policies only on detached dwellings, barns (except livery, boarding and hotel barns), and other farm buildings and such property as may properly be contained therein, for any time not exceeding five years, and not to extend beyond the limited duration of the charter, and for an amount not to exceed three thousand dollars (\$3,000) on any one risk. All persons so insured shall

give their obligation to the company binding themselves, their heirs and assigns to pay their *pro rata* share to the company of the necessary expenses and of all losses by fire or lightning which may be sustained by any member thereof during the time for which their respective policies are written; and they shall also, at the time of effecting the insurance, pay such percentage in cash, and such other charge as may be required by the rules or by-laws of the company.

§ 9. [CLASSIFICATION OF PROPERTY.] Any such company may classify the property insured therein at the time of issuing policies thereon, under different rates, corresponding as nearly as may be to the greater or less risk from fire or lightning and loss which may attach to each several building insured.

§ 10. [LOCATION OF PROPERTY INSURED.] No such company shall insure any property beyond the limits of the county comprised in the formation of the company, nor shall they insure any property within the limits of any city containing over twelve thousand (12,000) inhabitants at the time of the organization of such company.

§ 11. [PROOF OF LOSS—REFERENCE—AWARD.] Every member of such company who may sustain loss or damage by fire or lightning, shall immediately notify the president of such company, or, in his absence the secretary thereof, stating the amount of damage or loss claimed, and if not more than fifty dollars (\$50.00), then the president and secretary shall proceed to ascertain the amount of such loss or damage and adjust the same. If the claim for damage or loss shall be an amount greater than fifty dollars (\$50.00), then the president of such company, or in case of his absence, the secretary thereof shall forthwith convene the directors of such company, whose duty it shall be when convened to appoint a committee of not less than three members of such company to ascertain the amount of such damage or loss. If, in either case, there is a failure of the parties to agree upon the amount of such damage or loss, the claimant may appeal to the judge of the county court of the county in which such company is located, whose duty it shall be to appoint three persons as a committee of reference, who shall have full authority to examine witnesses and to determine all matters in dispute, and shall make their award in writing to the president of such company, and such award shall be final. The pay of said committee shall be two dollars (\$2.00) per day for each day's service so rendered, and four cents for each mile necessarily traversed in the discharge of their duties, which shall be paid by the claimant, unless the award of said committee shall exceed the sum offered by the company in liquidation of such loss or damage, in which case said expenses shall be paid by the company.

§ 12. [ASSESSMENT TO PAY LOSS.] Whenever the amount of any loss shall have been ascertained, which exceeds in amount the cash funds of the company, the president shall convene the directors of said company, who shall make an assessment upon all the property to the amount for which each several piece of property is insured, taken in connection with the rate of premium under which it may be classified.

§ 13. [NOTICE OF ASSESSMENT.] It shall be the duty of the president, whenever such assessment shall have been made to immediately notify every person composing such company, personally, by an agent

or by letter sent to his usual post-office address, of the amount of such loss, and the sum due from him as his share thereof, and of the time when and to whom such payment is to be made; but such time shall not be less than thirty nor more than ninety days from the date of such notice.

§ 14. [SUITS TO RECOVER ASSESSMENTS—ACTIONS AGAINST COMPANY.] Suits at law may be brought against any member of such company who shall neglect or refuse to pay any assessment made upon him by the provisions of this act; and the directors of any company so formed, who shall willfully refuse or neglect to perform the duties imposed upon them by the provisions of this act, shall be liable in their individual capacity to the person sustaining such loss. Suits at law may also be brought and maintained against any such company, by members thereof, for losses sustained, if payment is withheld after such losses have become due.

§ 15. [ANNUAL STATEMENT.] It shall be the duty of the Secretary to prepare an annual statement, showing the condition of such company on the thirty-first day of December and present the same at the annual meeting.

§ 16. [WITHDRAWAL FROM COMPANY—NOTICE—CANCELLATION OF POLICY.] Any member of such company may withdraw therefrom by surrendering his policy for cancellation, at any time while the company continues the business for which it was organized, by giving notice in writing to the secretary thereof and paying his share of all claims then existing against said company: *Provided*, That by the withdrawal of any such member, the number of the members remaining in the company shall not be reduced below the original number of Corporators, or that the assets will not be reduced below the amount at the time of the organization: *Provided, further*, That the company shall have power to cancel or terminate any policy by giving the insured notice to that effect.

§ 17. [ANNUAL STATEMENT TO AUDITOR.] It shall be the duty of the President and Secretary of every such company on the first day of January of each year, or within one month thereafter, to prepare under their own oath and transmit to the Auditor of Public Accounts, a statement of the condition of the company on the thirty-first day of December then next preceding, in such form as the Auditor may direct. If upon examination, he is of the opinion that such company is doing business correctly, in accordance with the provisions of this act, he shall thereupon furnish the company his certificate, which shall be deemed authority to continue business the ensuing year; subject, however, to subsequent provisions of this act. For such examination and certificate the company shall pay one dollar. Each company shall pay, at the time of organization, ten dollars (\$10.00) for the Auditor's services, all of which shall be paid into the State Treasury and applied to the insurance fund.

§ 18. [PROCEEDING TO DISSOLVE COMPANY.] Any such company may be proceeded against and dissolved in the manner and upon the same conditions as provided in case of other insurance companies incorporated in this State.

§ 19. [TOWNSHIP INSURANCE COMPANIES MAY ACCEPT BENEFITS.]

Any township or district insurance company formed under an act entitled "An act to revise the law in relation to township insurance companies," approved March 24, 1874, may with the written consent of two-thirds of the members, accept the provisions of this act, and thereupon shall be governed by its provisions. Before any such company shall be entitled to the benefits thereof, the directors or a majority of them shall file with the Auditor of Public Accounts the declaration provided for in section two of this act.

APPROVED June 2, 1877.

TOWNSHIP COMPANIES.

§ 11. Notice of Loss—Adjustment—Expense.

AN ACT to amend section eleven (11) of "An act to revise the law in relation to Township Insurance Companies." Approved March 24, 1874. Approved May 11, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section eleven (11) of an act entitled "An act to revise the law in relation to Township Insurance Companies," approved March 24, 1874, be amended to read as follows :

§ 11. [NOTICE OF LOSS—ADJUSTMENT—EXPENSE.] Every member of such company who may sustain loss or damage by fire or lightning, shall immediately notify the President of such company, or in his absence the Secretary thereof, stating the amount of damage or loss claimed, and if not more than fifty dollars (\$50), then the President and Secretary shall proceed to ascertain the amount of such loss or damage and adjust the same. If the claim for damage or loss shall be an amount greater than fifty dollars (\$50), then the President of such company or in case of his absence the Secretary thereof, shall forthwith convene the Directors of such company, whose duty it shall be when convened to appoint a committee of not less than three members of such company to ascertain the amount of such damage or loss. If in either case there is a failure of the parties to agree upon the amount of such damage or loss, the claimant may appeal to the Judge of the County Court of the county in which the office of such company is located, whose duty it shall be to appoint three persons as a committee of reference, who shall have full authority to examine witnesses and to determine all matters in dispute and shall make their award in writing to the President of such company, and such award shall be final. The pay of said committee shall be two dollars (\$2.00) per day for each day's service so rendered, and four cents for each mile necessarily traversed in the discharge of their duties, which shall be paid by the claimant, unless the award of said committee shall exceed the sum offered by the company in liquidation of such loss or damage, in which case said expenses shall be paid by the company.

APPROVED May 11, 1877.

JUSTICES AND CONSTABLES.

PROCEEDINGS OF DEFAULT.

§ 34. Default of Defendant—Affidavit of claim.

AN ACT to amend section 34 of an act entitled, "*An act to provide for the Election and Qualification of Justices of the Peace and Constables, and to provide for the Jurisdiction and Practice of Justices of the Peace in Civil Cases, and fix the Duties of Constables, and to repeal certain acts therein named,*" approved April 1, 1872. In force July 1, 1872. Approved May 22, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* section 34 of an act entitled "*An act to provide for the election and qualification of Justices of the Peace and Constables, and to provide for the jurisdiction and practice of Justices of the Peace in civil cases and fix the duties of Constables, and to repeal certain acts therein named,*" approved April 1, 1872; in force July 1, 1872, shall be amended to read as follows:

§ 34. [DEFAULT OF DEFENDANT—AFFIDAVIT OF CLAIM.] If the defendant shall not appear at the time of trial, after giving bail, or after being served with summons, and no sufficient reason be assigned to the justice, why he does not appear, the justice shall proceed to hear and determine the cause, but shall not give judgment in favor of the plaintiff, unless the plaintiff shall fully prove his demand in the same manner as if the defendant were present and denied the same: *Provided*, That if the plaintiff in any suit upon a contract, expressed or implied, for the payment of money shall file with the justice, at the time of commencing such suit an affidavit showing the nature of his demand and the amount due him from the defendant, after allowing to the defendant all his just deductions, credits and set-offs, if any, he shall be entitled to judgment in case of default, but the justice may require further evidence: *Provided further*, That in cases of appeal from the judgment of the justice of the peace, as aforesaid, such affidavit shall have the same force and effect in the appellate court as if such suit had been commenced in such appellate court.

APPROVED May 22, 1877.

WHO MAY PRACTICE BEFORE JUSTICE.

§ 1. Who may practice in as attorneys. | § 2. Penalty.

AN ACT to restrain persons not attorneys to practice before Justices of the Peace. Approved May 23, 1877. In force July 1, 1877.

SECTION 1. [WHO MAY PRACTICE BEFORE JUSTICE.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* no person shall practice, act or appear as an attorney or counselor before any Justice of the Peace in this State in any civil or criminal action,

or suit about to be commenced or then pending, unless such person is a regularly licensed attorney in accordance with the laws of this State, except that plaintiffs shall have the liberty of prosecuting, and defendants of defending, in their proper persons, in all suits before any Justice of the Peace: *Provided*, This act shall only apply to Justice's Courts in cities of one hundred thousand inhabitants or over.

§ 2. [PENALTY.] Any person that shall be found guilty of a violation of this act, shall be fined in a sum of not less than five dollars nor more than fifty dollars (\$50.00), or be imprisoned in the county jail not exceeding twenty days, or either, or both, in the discretion of the court; and it shall be lawful for any person or persons, having paid any money or other thing to such person to maintain an action for the recovery of the money so paid or the value of the thing so given.

APPROVED May 23, 1877.

LANDLORD AND TENANT.

§ 1. Distress, before rent due.

AN ACT in relation to *Landlord and Tenant*. Approved May 21, 1877.
In force July 1, 1877.

SECTION 1. [DISTRESS, BEFORE RENT DUE.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That if any tenant shall, without the consent of his landlord, sell and remove, or permit to be removed or be about to sell and remove, or permit to be removed, from the demised premises, such part or portion of the crops raised thereon as shall endanger the lien of the landlord upon such crops for the rent agreed to be paid, it shall and may be lawful for the landlord to institute proceedings by distress before the rent is due, as is now provided by law, in case of the removal of the tenant from the demised premises; and thereafter the proceedings shall be conducted in the same manner as is now provided by law in ordinary cases of distress, where the rent is due and unpaid.

APPROVED May 21, 1877.

MARRIAGES.

§ 6. License.

| § 2. Emergency.

AN ACT to amend section six (6) of an act entitled "*An act to revise the law in relation to Marriages*," approved Feb. 27, 1874. Approved and in force May 11, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section six (6) of an act entitled "An

act to revise the law in relation to marriages," be amended so as to read as follows:

§ 6. [LICENSE.] Persons intending to be joined in marriage shall, before their marriage, obtain a license from the County Clerk of the county where such marriage is to take place, anything in any general or special law of this State to the contrary notwithstanding.

§ 2. [EMERGENCY.] Whereas, there now exists in certain cities of this State, under their special charters, power in certain police courts therein to issue marriage licenses, an emergency exists, therefore this act shall take effect and be in force after its passage.

APPROVED May 11, 1877.

MILITARY CODE.

ARTICLE I.

LIABILITY AND EXEMPTION.

§ 1. Liability and exemption.

ARTICLE II.

ENROLLMENT.

§ 1. Enrollment.

ARTICLE III.

VOLUNTEERS.

§ 1. How designated—Enlistments—Oath.

ARTICLE IV.

ORGANIZATION.

- | | |
|--|----------------------------|
| 1. Adjutant General. | 6. Examining board. |
| 2. Appointment and rank of officers. | 7. By-laws. |
| 3. Of what regiments, etc., shall consist. | 8. Term of duty. |
| 4. Organization of companies. | 9. Disbanding company. |
| 5. Election of officers. | 10. Regulations governing. |

ARTICLE V.

EXEMPTIONS.

§ 1. Road tax—Arrest—Arms—Property, etc.

ARTICLE VI.

PARADES AND ENCAMPMENT.

- | | |
|------------------------|--|
| 1. Drills. | § 3. Encampment—Authority of commanding officer. |
| 2. Three days' parade. | § 4. Target practice. |

ARTICLE VII.

ARMS AND ARMORIES.

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| § 1. Bond for return of arms, etc. | § 3. Inspection of arms—Expenses. |
| § 2. Apportionment of funds—Requisition for arms, etc. | |

ARTICLE VIII.

FINES AND COURT MARTIAL.

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| § 1. Fines. | § 4. Extent of fine. |
| § 2. Judge—Advocate. | § 5. Approval of sentence. |
| § 3. Courts Martial. | |

ARTICLE IX.

APPROPRIATIONS.

- § 1. Tax to be levied.

ARTICLE X.

GENERAL PROVISIONS.

- | | |
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| § 1. Term of office. | § 2. Act repealed. |
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AN ACT to provide for the organization of the State Militia, and entitled "*The Military Code of Illinois.*" Approved May 18, 1877. In force July 1, 1877.

I. LIABILITY AND EXEMPTION.

SECTION 1. [WHO LIABLE—WHO EXEMPT.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* all able-bodied male citizens of this State between the ages of eighteen and forty-five years, not expressly exempted by the laws of the United States, all civil officers and such as may on account of their profession or employment be exempted by the Commander-in-Chief, shall be subject to military duty and designated as the Illinois State Militia.

II. ENROLLMENT.

§ 1. [ENROLLMENT.] When it is necessary to execute the laws, suppress insurrection, or repel invasion or when a requisition shall be made by the President of the United States for troops, the Governor or as Commander-in-Chief, shall, by his proclamation, require the enrollment of the militia of the State or of such portion thereof, as may be necessary; and he shall appoint necessary enrolling officers, and prescribe their duties, issuing all proper orders that may be required in the premises. He may designate the place of rendezvous, provide for the organization of the militia into companies, battalions, regiments and brigades, and their equipments, as the case may require. The militia, when called into active service, shall receive the same pay and subsistence, as is provided for like troops in the service of the United States.

III. VOLUNTEERS.

§ 1. [HOW DESIGNATED—ENLISTMENTS—OATH.] The active militia shall be designated as the "Illinois National Guard," and shall be recruited by volunteer enlistments. The entire State shall compose one division of not more than three brigades, to be commanded by one Major General and three Brigadier Generals. The Commander-in-Chief shall assign all regiments, battalions and companies to such brigades as he shall think proper. All enlistments therein shall be for five years, and made by signing enlistment papers, prescribed by the Adjutant General, and taking the following oath or affirmation, which may be administered by the enlisting officer, to-wit: You do solemnly swear (or affirm) that you will bear true allegiance to the United States and the State of Illinois, and that you will support the constitution thereof; that you will serve the State of Illinois faithfully in its military service for the term of five years, unless sooner discharged, or you cease to become a citizen thereof; that you will obey the orders of the Commander-in-Chief, and such officers as may be placed over you, and the laws governing the military forces of Illinois, so help you God.

IV. ORGANIZATION, ETC.

§ 1. [STAFF AND RANK.] The staff of Commander-in-Chief shall consist of an Adjutant General who shall be ex-officio chief of staff, Commissary General, and Quartermaster General, and such other officers as he may think proper to appoint. The Adjutant General shall rank as a Major General. He shall issue and transmit all orders of the Commander-in-Chief, with reference to the militia or military organizations of the State, and shall keep a record of all officers commissioned by the Governor and of all general and special orders and regulations, and of all such matters as pertain to the organization of the State militia and the duties of an Adjutant General. He shall have charge of the State Arsenal and grounds, and shall receive and issue all ordnance and ordnance stores and camp equipage on the order of the Commander-in-Chief. He may appoint with the approval of the Governor an ordnance sergeant at a salary of not more than \$600 per year, who shall, under the direction of the Adjutant General, take charge of the State Arsenal and grounds, and shall aid and assist him in the discharge of his duties. He shall furnish, at the expense of the State, all proper blank books, blanks and forms, and such military instruction books, as shall be approved by the Commander-in-Chief. He shall also on or before the first day of October, next preceding the regular session of the General Assembly, and at such other times as the Governor shall require, make out a full and detailed account of all the transactions of his office, with the expenses of the same for the preceding two years, and such other matters as shall be required by the Governor. He shall reside at the State Capitol and shall hold his office during the pleasure of the Governor, and shall receive for his services \$2,000 a year.

§ 2. [APPOINTMENT AND RANK OF OFFICERS.] The Generals of Division and Brigades shall be appointed by the Governor and shall hold their office until removed by court-martial or resignation. On

recommendation of the General of Division the Governor shall appoint and commission the following as the Division staff: Chief of staff, with rank of "Colonel;" Assistant Adjutant General with rank of Lieutenant Colonel; Assistant Inspector, with rank of Lieutenant Colonel; Surgeon, with rank of Lieutenant Colonel; Quartermaster, with rank as Major; Commissary, with rank as Major; Judge Advocate, with rank as Major; Paymaster, with rank as Major; and two Aids-de-Camp, with rank as Captain. On recommendation of Brigade commanders, the Governor shall appoint and commission the Brigade staff as follows: Assistant Adjutant General, with rank as Lieutenant Colonel; Assistant Inspector General, with rank as Major; Surgeon, with rank as Major; Quartermaster, with rank as "Captain;" Commissary, with rank as "Captain;" and two Aids-de-Camp, with rank as First Lieutenant.

§ 3. [OF WHAT REGIMENT SHALL CONSIST.] A regiment shall consist of not less than eight and not more than ten companies. A battalion shall consist of not less than two and not more than seven companies. A battalion of less than four companies shall be entitled to a Major, and when it has been augmented to four or more companies it shall be entitled to a Lieutenant Colonel. The Colonel, Lieutenant Colonel and Major of all battalions and regiments shall be elected by the line officers thereof. The regimental staff shall consist of a Surgeon, with the rank of "Major;" Assistant Surgeon, with the rank of Captain; Chaplain, with the rank of "Captain;" Adjutant, with the rank of "First Lieutenant;" Quartermaster, with the rank of "First Lieutenant;" who shall be appointed and commissioned by the Governor on recommendation of the battalion commander. The Colonel of each regiment shall appoint by warrant, countersigned by the Adjutant, a Sergeant Major, Quartermaster Sergeant, Commissary Sergeant, Hospital Steward, Color Sergeant, Ordnance Sergeant, Drum Major, and two principal Musicians, who shall constitute the non-commissioned staff. All field officers shall hold their offices for five years. The commissions of all staff officers shall expire when the successor of the officer nominating them shall make new nominations to their respective office and such nomination shall be confirmed by the Commander-in-Chief.

§ 4. [ORGANIZATION OF COMPANIES.] A company shall consist of a Captain, a First Lieutenant, a Second Lieutenant, five Sergeants, eight Corporals, two Musicians, and not less than forty and not more than one hundred privates and non-commissioned officers. Company officers shall be elected by the members of the company, and shall hold their office for three years. All non-commissioned officers of companies on recommendation of their Captain shall be appointed by the warrant of the battalion commander, countersigned by the Adjutant.

§ 5. [ELECTION OF OFFICERS.] All meetings for the election of officers shall be ordered by the Brigade commander. The orders therefor shall be addressed to an officer of his command to preside at such meeting, who shall at least one week previous thereto send a notice thereof by mail to each person entitled to vote thereat. The voting shall be by ballot and a majority of all the votes cast shall be necessary to elect and the result thereof shall be forthwith returned by the officer presiding to the regimental commandant, and the General commanding

the brigade. If there shall be a failure to elect any officer at two meetings ordered therefor, the Commander-in-Chief may fill the vacancy by direct appointment. If the officer designated to preside at such meeting shall not appear thereat, the senior officer present shall preside.

§ 6. [EXAMINING BOARD.] An examining board of three or more competent officers appointed by the division commander shall convene at such times and places as he shall direct, and examine in military tactics all commissioned officers below the rank of Brigadier General, who shall be ordered before it. The division commander shall give at least two weeks' notice to all such officers to appear thereat. Said board shall in twenty days after such examination make a detailed report of its result and on recommendation of the division commander, the Governor shall revoke appointments of all officers failing to pass an examination satisfactory to said board. If any officer shall fail to appear for examination on receiving proper notice he may be allowed an opportunity for examination at the next session of the board, if he shall give a satisfactory excuse for his absence: *Provided*, That no officer who has passed a satisfactory examination shall be re-examined.

§ 7. [BY-LAWS.] Every company, battalion and regiment may make by-laws, for its government, not in conflict with this act, or with general orders or regulations, which shall be binding upon the members.

§ 8 [TERM OF SERVICE.] Every officer, non-commissioned officer, musician and private of the Illinois National Guard, shall be held to duty for the full term of five years, unless regularly discharged for good and sufficient cause by the commandant of his regiment, battalion, or battery approved by the division commander: *Provided*, That said term of five years shall in all cases commence from the time such officer, non-commissioned officer, musician and private shall have become an active member of any band, company, battalion, or brigade organized or commissioned under the laws of this State and now belonging thereto.

§ 9. [DISBANDING COMPANY.] Whenever any company of the State Guard shall become reduced to a number less than forty non-commissioned officers and privates uniformed and active members it shall be disbanded or consolidated with another company, by the General of Division.

§ 10. [STANDARD REGULATIONS.] The organization, equipment, discipline and military regulations of the State Militia shall strictly conform to the regulations for the government of the army of the United States in all cases except as herein otherwise provided; and all orders and regulations governing troops, not in conflict with the constitution of this State and the provisions of this act shall be binding upon all members of the Illinois National Guard.

V. EXEMPTIONS.

SECTION 1. [REGULATIONS GOVERNING.] Every officer, non-commissioned officer, musician and private of the Illinois National Guard shall be exempt from jury duty, from payment of road labor and head

or poll tax of every description during the term he shall perform military duty. Any person who is physically unable to serve in the State Guard shall have the benefit of the foregoing exemptions by furnishing a substitute. The uniforms, arms and equipments of every member of the State Guard shall be exempt from all suits, distresses, executions or sales for debt or payment of taxes: *Provided*, That no property of any kind or nature whatsoever shall be exempt from execution issued for fines lawfully assessed by any officer, company, battalion or court martial against any member of the State Guard. The militia shall in all cases except treason, felony or breach of the peace be privileged from arrest during their attendance at drills, parades, encampments, and the election of officers, and in going to and returning from the same.

VI. PARADES AND ENCAMPMENT.

SECTION 1. [MONTHLY DRILLS.] The commandant of each regiment and battalion may order monthly or semi-monthly evening drills by the companies of his command, from October to April inclusive.

§ 2. [THREE DAYS' PARADE.] The Illinois National Guard shall parade for drill three days annually by company, regiment or brigade as ordered by the Major General.

§ 3. [ENCAMPMENT—AUTHORITY OF COMMANDING OFFICER.] The commanding officer of any encampment or parade may cause those under his command to perform any field or camp duty he shall require, and may put under arrest during such encampment or parade any member of his command who shall disobey a superior officer or be guilty of disorderly or unmilitary conduct, and any other person who shall trespass on the parade or encampment ground, or in any way interrupt or molest the orderly discharge of duty by the members of his command, and he may prohibit the sale of all spirituous or malt liquors within one mile of such encampment, and enforce such prohibition by force if necessary: *Provided, however*, That nothing herein contained shall be construed to interfere with the regular business of any liquor dealer whose place of business shall be situate within said limits.

§ 4. [TARGET PRACTICE.] The Major General shall direct such target practice at the annual parades and encampments as he may deem expedient, and he shall command at each general encampment and report the conduct and discipline thereof to the Commander-in-Chief.

VII. ARMS AND ARMORIES.

SECTION 1. [BOND FOR RETURN OF ARMS.] Upon the organization of any company or battalion of the State Guard on the requisition of its commanding officer, and the approval of the Governor, the Quartermaster General shall issue all necessary ordnance and ordnance stores: *Provided, however*, That when any arms or munitions are delivered to any commander he shall execute and deliver to the Adjutant General a bond payable to the People of the State of Illinois in a sufficient amount and with sufficient sureties to be approved by the Governor, conditioned for the proper use of such arms and munitions,

and the return of the same when requested by the proper officers in good order, wear, use and unavoidable loss and damage excepted. All such arms and munitions shall be kept at the company or regimental armory.

§ 2. [APPORTIONMENT OF FUNDS—REQUISITIONS FOR ARMS.] The following amounts of money shall be set apart for the military fund of the State as hereinafter provided, for the rent of an armory for each regiment or battalion, viz: The Adjutant General under the approval of the commander, shall ascertain and apportion to each company of the State Guard a reasonable amount for the payment of armory rent, fires, and lighting thereof and for the placing of insurance upon the property of the State, sufficient to cover losses by fire: *Provided*, That said apportionment shall be equal between the several regiments, battalions or companies based upon the number of enlisted men regularly reporting for duty. All requisitions for the rent of armories must be made in duplicate by the commandant of any regiment or battalion, countersigned by his Adjutant and Quartermaster, on the Governor, who being satisfied that said requisition is in compliance with this act, shall cause one copy to be filed in the office of the Adjutant General and the other copy he shall forward with his endorsement thereon, to the State Auditor, who shall thereupon draw his warrant for the amount named in said requisition on the State Treasurer payable out of the State military fund and forward said warrant to said commander. The armory of each regiment, battalion or company shall subject to the orders of the Adjutant General, be under the charge of its commanding officer, who shall keep therein all property furnished by the State. And no company shall be furnished with arms or equipments until a suitable armory shall be provided for their deposit.

§ 3. [INSPECTION OF ARMS—EXPENSES.] The entire State Guard and all armories, ordnance, ordnance stores, and camp equipage, belonging to the State, shall be inspected at least once in each year under such rules and regulations as may be provided by the Inspector General, with the approval of the Commander-in-Chief, and all the necessary traveling expenses incurred therein shall be paid on the requisition in the same manner as hereinbefore provided for the payment of rent for armories.

§ 4. [FALSE CERTIFICATE.] Any officer, non-commissioned officer or private of the Illinois National Guard knowingly making any false certificate, or false returns of State property in his hands or neglecting or refusing to apply all money drawn from the State Treasurer for the purposes named in the requisition therefor, shall be guilty of embezzlement and fraud and shall be punished in manner as provided for like offenses in the criminal code of this State.

VIII. FINES AND COURT MARTIAL.

SECTION 1. [FINES.] Every non-commissioned officer, musician and private absent without leave or excuse satisfactory to his commanding officer, from any parade, drill or encampment, shall be fined three dollars for each day of said absence, and for any unsoldierly conduct at drill, parade or encampment, he may be fined not more than ten dollars by his commanding officer, who shall

notify him of such fine within ten days after such absence or offense. If such fine is not paid within ten days after such notice, said commanding officer shall certify the same to the commandant of his regiment, who shall hear and determine the same. And he may at any time within six months after such hearing, draw his warrant for the collection of such fine, directed to the sheriff or any constable, who shall proceed to enforce the same in the same manner as an execution issued in any action of tort. Such fines when collected, shall be paid into the treasury of the company, troop or band to which the offender belongs. Nothing herein shall be construed to prevent any company or band imposing such fines upon its members as it may think proper in its by-laws, which fines may be enforced in the same manner as hereinbefore provided for the collection of fines for absence from drill, parade or encampment.

§ 2. [JUDGE ADVOCATE.] A Judge advocate, with the rank of Lieutenant Colonel, shall be appointed for each brigade, and hold office during the pleasure of the Commander-in-Chief, who shall perform the duties of such office in the Courts-Martial held in his district and no other person shall prosecute or defend in such courts; but when he shall be unable to attend from any cause or shall be disqualified by interest or relationship, the Major-General may designate the Judge Advocate of another brigade to act in his place.

§ 3. [COURTS MARTIAL.] Commissioned officers for neglect of duty, disobedience of orders or unsoldierly or ungentlemanly conduct may be tried by Court Martial according to the regulations provided in like cases in the army of the United States. The Major General by order shall designate the time and place of holding such courts, and the names of officers composing it, consisting of not less than three nor more than six. The senior officer named shall preside and shall be of superior rank to the officer on trial when practicable. Witnesses for the prosecution and defense may be summoned to attend by subpoena signed by the Judge Advocate. Any witness duly summoned, who shall fail to appear and testify may be, by warrant of the President of court, directed to the sheriff or any constable, arrested and treated as in like cases before civil courts. The fees of all witnesses shall be the same as allowed in civil cases, to be taxed with the necessary expenses of the Judge Advocate and the court, by the President of the court and paid by the State Treasurer, on the Auditor's warrant, to the Judge Advocate who shall pay all the expenses of the trial, when received by him.

§ 4. [EXTENT OF FINE.] No Court Martial in time of peace, shall order any punishment other than a reprimand, or fine of not more than one hundred dollars, and cashiering with disability of holding any military office in this State, or either of them. Said fine shall carry with it all the costs of the trial, and shall be collected by the sheriff on the warrant of the President, endorsed with the approval of the Major General as on executions issued in actions of tort, and he shall pay them to the State Treasurer on account of the military fund.

§ 5. [APPROVAL OF SENTENCES.] The sentences of Courts Martial shall be approved or disapproved by the Commander-in-Chief, who

may mitigate or remit any punishment awarded by sentence of court martial, when such sentence shall have been approved by the Major General. The record of all of the proceedings and the sentence of a Court Martial in every case with the order approving or disapproving it, shall be deposited in the office of the Adjutant General.

IX. APPROPRIATIONS.

§ 1. [TAX TO BE LEVIED.] There shall be levied and collected annually, in each county within this State at the same time and in the same manner that all State and county taxes are levied and collected one twentieth of a mill on a dollar upon the taxable property of this State, situate in said county, to be set apart as a military fund of this State.

X. GENERAL PROVISIONS.

§ 1. [TERM OF OFFICE.] Nothing in this act shall be construed to extend the time of office of any commissioned officer beyond the term for which he shall have been elected by his company, battalion or regiment.

§ 2. [ACT REPEALED.] Chapter 129 of the Revised Statutes of 1874, entitled, "An act to revise the law in relation to the State Militia," in force July 1st, 1874, and all other acts or portions of acts in conflict herewith, are hereby repealed.

APPROVED May 18, 1877.

MILLS AND MILLERS.

REGULATING THE USE OF WATER OR WATER-POWER.

§ 1. Mode of Regulating and Measuring.

AN ACT to enable any person, persons or corporation owning Dams, to regulate the delivery and use of water or water-power. Approved May 11, 1877.
In force July 1, 1877.

SECTION 1. [MODE OF REGULATING AND MEASURING WATER-POWER.]
Be it enacted by the People of the State of Illinois, represented in the General Assembly, That in any and all cases where different persons have the right to use, in separate or distinct quantities or proportions, the water or water-power furnished by a dam across any river in this State, it shall be lawful for such persons and the owner or owners of such dam and water-power to fix and determine upon some fair, impartial and reasonable mode and manner by a system of weirs, or weirs and floats, or other reasonable plan of measuring and delivering to each person entitled to use the water or water-power furnished by such dam, his just share or proportion thereof, which regulation, when made and acknowledged by such persons and the owner or owners of such dam and water-power, and recorded in the Recorder's office of the

county in which such dam is situated, shall be binding upon all persons entitled to use the water or water-power furnished by such dam; and in case any such dam is owned by a corporation, such corporation may by by-law or resolution entered upon a book kept by the corporation and subject to the free inspection of all persons interested make such regulations: *Provided, however,* That in all cases the regulations made for measuring and delivering such water or water-power shall fairly and impartially apportion the same to each person entitled to the same according to his just share thereof; *And provided further,* That nothing in this act contained shall be construed to impair any covenant, contract or agreement heretofore executed to any person or corporation for water or water-power, or their legal rights thereto.

APPROVED May 11, 1877.

MINERS.

§ 3. Escapement shaft—Owner—Penalty.	12	§ 9. Accidents—Duty of inspector—Penalty.
§ 6. Signals—Hoist ways—Persons under and females not employed.		§ 11. Inspectors—Their appointment and duty.
§ 7. Sober engineer—Operating hoist ways.		§ 12. Repeal.

AN ACT to amend sections three, six, seven, nine, and eleven of an act entitled "An act providing for the health and safety of persons employed in coal mines," approved March 27, 1872. Approved May 23, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section three, six, seven, nine and eleven of an act entitled "An act providing for the safety of persons employed in coal mines," approved March 27, 1872, be and the same are hereby amended so as read as follows:

§ 3. [ESCAPEMENT SHAFT—OWNER—PENALTY.] In all coal mines or collieries that are, or have been in operation prior to the first day of July, in the year of our Lord, 1877, and which are worked by or through a shaft, slope, or drift, and in which more than ten miners are employed in each twenty-four hours, if there is not already an escapement shaft to each and every said coal mine or colliery, or a communication between each and every coal mine or colliery, and some other contiguous mine, then there shall be an escapement shaft or other communication, such as shall be approved by the mine inspector, making at least two distinct means of ingress and egress for all persons employed or permitted to work in such coal mine or colliery. Such escapement shaft or other communication with a contiguous mine as aforesaid, shall be constructed in connection with every vein or stratum of coal worked in such coal mine or colliery; and the time to be allowed for such construction shall be one year, when such mine is under 100 feet in depth, two years when such mine is over 100 feet in depth, and under 300 feet, and three years when it is over 300 feet, and under 400 feet, and four years, when it is over four hun-

dred feet in depth, from the time this act goes into effect: *Provided*, This section shall not be so construed as to extend the time now allowed by law providing escapement shafts, or other communications. And in all cases where the working face of one mine has been driven up to, or into the workings of another mine the respective owners of such mine, while operating the same, shall keep open a roadway at least two and one-half feet high and four feet wide, thereby forming a communication as contemplated in this act; and for a failure to do so shall be subject to the penalty provided for in section ten of this act, for each and every day such roadway is unnecessarily closed. Each and every such escapement shaft shall be separated from the main shaft by such extent of natural strata as shall secure safety to the men employed in such mines or collieries; such distance to be left to the discretion of the mine inspector or person acting in that capacity. And in all coal mines or collieries that shall go into operation for the first time after the first day of July, A. D. 1877, such escapement or other communication with a contiguous mine as aforesaid, shall be constructed within one year after such mine shall have been put into operation. And it shall not be lawful for the owner or agent of any such coal mine or colliery, as aforesaid, to employ any person to work therein or permit any person to go therein, for the purpose of working, unless said owner or agent shall have first complied with the requirements of this section. And the term "owner" used in this act, shall mean the immediate proprietor, lessee or occupant of any coal mine or colliery, or any part thereof; and the term "agent" shall mean any person having, on behalf of the owner, as aforesaid, the care or management of any coal mine or colliery, or any part thereof.

§ 6. [SIGNALS—HOIST WAYS—WHO MAY BE EMPLOYED.] The owner or agent of every coal mine or colliery, operated by shaft, shall provide suitable means of signaling between the bottom and top thereof, and shall also provide safe means of hoisting and lowering persons in a cage covered with boiler iron, so as to keep safe, as far as possible, persons ascending out of and descending into such shaft; and such cage shall be furnished with guides to conduct it on slides through such shaft, with a sufficient break on the drum to prevent accident in case of the giving out or breaking of the machinery, and whenever practicable such cage shall be furnished with springs or catches, intended and provided, as far as possible, to prevent the consequences of cable breaking, loosing or disconnecting of machinery. And no person under the age of twelve years, or female of any age, shall be permitted to enter any mine to work therein; the neglect or refusal of any party or person to perform the duties provided for and required to be performed by sections four, five and six of this act, by the parties therein required to perform the same, shall be taken and deemed guilty of a misdemeanor, committed by them, or any or either of them, and shall be punished by imprisonment or fined at the discretion of the court trying the same, subject, however to the limitations as provided by section ten of this act.

§ 7. [COMPETENT ENGINEER.] No person shall, knowingly, be employed as engineer or to take charge of any machinery or appliances whereby men are lowered into or hoisted out of any mine, but an experienced, competent and sober person; and no person shall

ride upon a loaded wagon or cage used for hoisting purposes in any shaft or slope; nor shall any coal be hoisted out of any coal mine or colliery while persons are ascending out of or descending into any such coal mine or colliery; and the number of persons to ascend out of or descend into any coal mine or colliery on one cage shall be determined by the inspector. The maximum number so fixed shall not be less than six nor more than fifteen, nor shall they be lowered nor hoisted more rapidly than 600 feet to the minute. Any person violating the provisions of this section shall be held and deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine or imprisonment, at the discretion of the court trying the same.

§ 9. [ACCIDENTS.] Whenever loss of life, or serious personal injury shall occur by reason of any explosion, or of any accident whatsoever, in or about any coal mine or colliery, it shall be the duty of the person having charge of such coal mine or colliery to report the facts thereof without delay to the mine inspector of the county in which said coal mine or colliery is situated; and if any person is killed thereby to notify the coroner of the county also, or in his absence or inability to act, any justice of the peace of said county; and the said inspector shall, if he deem it necessary from the facts reported, immediately go to the scene of said accident, and make such suggestions and render such assistance as he may deem necessary for the safety of the men. And the inspector shall investigate and ascertain the cause of such explosion or accident, and make a report thereof, which he shall preserve with the other records of his office; and to enable him to make such investigations he shall have power to compel the attendance of witnesses, and administer oaths or affirmations to them; and the cost of such investigation shall be paid by the county in which such accident has occurred, in the same manner as costs of coroners' inquests are now paid. And the failure of the person in charge of the coal mine or colliery in which any such accident may have occurred, to give notice to the inspector or coroner, as provided for in this section, shall subject such person to a fine of not less than twenty-five dollars nor more than one hundred dollars, to be recovered in the name of the People of the State of Illinois, before any justice of the peace of such county, and such fine when collected shall be paid into the county treasury for the use of the county in which any such accident may have occurred.

§ 11. [INSPECTORS.] The county boards in each county of this State in which mining is now, or may hereafter be carried on, are hereby authorized, and it is made their duty, to appoint one inspector of mines, at its September meeting, who shall have been a resident of the county, for which he is appointed, for one year previous to his appointment. He shall be required to enter into a bond to the county board of said county, for a sum to be fixed by said county board, conditioned upon the due and faithful discharge of his duties; said bond to be accompanied with good and sufficient security to be approved by said county board. He shall also take an oath of office as prescribed by the constitution, and he shall be required to furnish satisfactory evidence to said board that he has had sufficient practical experience in and around mines to enable him to discharge the duties of mine

inspector intelligently, and to see that the provisions of this act are faithfully complied with. He shall not be interested as owner or stockholder in any mine or mines during his term of office. His term of office shall be one year, but he may be reappointed as often as the county board thinks proper. The county board of each county shall fix the number of days to be employed by the county inspector in inspecting the different mines of his county, and enter the same upon the records of said board. He shall receive such compensation for his time actually employed in the performance of the duties of his office, to be verified by his affidavit, as shall be fixed by the county board, to be not less than three dollars nor more than five dollars per day, to be paid out of the county treasury. But in all cases where, on inspection, he finds the provisions of this act, or any of them, not complied with in operating any mine, it is made his duty to demand, and if necessary, compel by law, the collection from the owners or operators of such mine, of all expenses of said inspection, as provided in section two of this act.

§ 2. [REPEAL.] All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

APPROVED May 23, 1877.

OFFICIAL BONDS.

RELEASE OF SURETIES OF GUARDIANS—CONSERVATORS AND TRUSTEES.

- | | |
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| § 1. Petition—Notice—Account—New Bond
—Discharge.
§ 2. Order—Removal—Appointment—Suc-
cessor—Suit—Discharge. | § 3 To what bonds act applies. |
|---|--------------------------------|

AN ACT to provide for releasing sureties on the bonds of guardians, conservators of idiots or insane persons, or trustees of any fund or property appointed by any court. Approved May 11, 1877. In force July 1, 1877.

SECTION 1. [PETITION — NOTICE — ACCOUNT — NEW BOND — DISCHARGE.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That whenever any surety on the bond of any guardian, conservator of any idiot or insane person, or the trustee of any fund or property appointed by any court, or the heir, executor or administrator of such surety, desires to be released from further liability upon any such bond, he may petition the court in which said bond is filed, for that purpose, and upon notice being given to such guardian, conservator or trustee in such manner as the court may direct, the court shall compel such guardian, conservator or trustee, within a reasonable time to be fixed by the court, to appear and settle his accounts and file in such court a new bond with such penalty and security as may be approved by the court, which being done, the surety may be discharged from all liability on such bond.*

§ 2. [ORDER—REMOVAL—APPOINTMENT — SUCCESSOR—SUIT — DISCHARGE.] If such guardian, conservator or trustee shall fail to comply with such order within the time fixed by the court, the court shall order that such person shall be removed from his office or position and appoint some other fit person as guardian, conservator or trustee in his stead, who shall give a bond as required by law; and in case of the failure of the former guardian, conservator or trustee to settle his accounts and to pay over or deliver to the person so appointed all moneys, effects, property or choses in action in his hands by reason of his said office or position, then such successor shall proceed to collect the same by suit against such guardian, conservator or trustee or by suit upon his bond and upon collection thereof such surety shall be discharged.

§ 3. [TO WHAT BONDS ACT APPLIES.] This act shall apply to all such bonds now in existence as well as to those hereafter entered into, but nothing herein contained shall be construed to release or in any way impair the liability of any surety on such bond until a new bond is filed.

APPROVED May 11, 1877.

PAUPERS.

OVERSEERS.

§ 18. Overseers of the Poor.

AN ACT to amend section eighteen (18) of an act entitled “An act to revise the law in relation to Paupers.” Approved May 24, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section eighteen (18) of an act entitled “An act to revise the law in relation to paupers,” be amended to read as follows:

§ 18. [OVERSEERS OF THE POOR.] In counties under township organization the supervisors of the respective towns therein shall be *ex-officio* overseers of the poor of their towns: *Provided*, That for towns containing four thousand (4,000) inhabitants or over, upon written request of said supervisors, the county board may appoint an overseer who is a resident of said town, fix his compensation and term of office, which shall not exceed the term of said board. The overseer so appointed shall execute to the county an official bond in a penal sum and with sureties to be fixed and approved by the county board, conditioned for the faithful discharge of his duties and the due application of all funds or property which shall come to his hands as such overseer; *Provided, further*, That this section shall not apply to counties containing over two hundred thousand (200,000) inhabitants.

APPROVED May 24, 1877.

ILLEGAL VOTING.

§ 1. Illegal voting by Paupers.

AN ACT to prevent illegal voting by paupers and others in this State.
Approved May 25, 1877. In force July 1, 1877.

SECTION 1. [PAUPERS—RESIDENCE—VOTING.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That no pauper or inmate of any county poor-house, insane asylum or hospital in this State, shall by virtue of his abode at such county poor-house, insane asylum or hospital be deemed a resident or legal voter in the town, city, village or election district or precinct in which such poor-house, insane asylum or hospital may be situated; but every such person shall be deemed a resident of the town, city, village or election district or precinct in which he resided next prior to becoming an inmate of such county poor-house, insane asylum or hospital.*

APPROVED May 25, 1877.

SEPARATE SUPPORT OF.

- § 1. Separate support of paupers.
 § 2. Rate per day.
 § 3. Each town,

- § 4. When town fails to support.
 § 5. Rate per day.

AN ACT to provide for the establishment and maintenance of County Poor Houses in counties where the separate support of Paupers has been adopted.
Approved May 23, 1877. In force July 1, 1877.

SECTION 1. [SEPARATE SUPPORT OF PAUPERS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the county board of any county that has heretofore adopted, or may hereafter adopt the separate support of paupers may, whenever it shall see fit so to do, establish and maintain a county poor house, and for this purpose shall have all the power given to county boards by section twenty-eight (28) of an act entitled "An Act to revise the law in relation to Paupers," of the Revised Statutes of 1874.*

§ 2. [RATE PER DAY.] The county board of any such county, whenever any such poor house is established, may fix the rate per day or per week that each town shall pay for the support and maintenance in such poor house for each of their respective paupers, which shall be paid to the county agent in charge of the poor house, or otherwise, as provided by the county board.

§ 3. [EACH TOWN.] Each town of such counties may then have its paupers supported in such poor house, by paying such rate, or may provide for them otherwise, as it shall deem best.

§ 4. [WHEN TOWN FAILS TO SUPPORT.] The county agent in charge of said poor house shall not receive any paupers except upon the order of the overseer of the poor of the town to which paupers belong, and should any town fail to pay for the support of its paupers, the county

agent may be authorized by the county board to return such paupers to the town to which he or she may belong, or the county may sue for and recover the amount due for taking care of such pauper.

§ 5. [REPORTS.] The county agent shall, as often as required by the county board, make full and complete reports, under oath, of all moneys received and expended by him, as such county agent, and shall furnish such other information in relation to the poor house and farm as may be required of him.

APPROVED May 23, 1877.

TUITION OF PAUPER CHILDREN.

§ 1. Tuition of Pauper Children. etc.

| § 2. Money for the Tuition.

AN ACT *requiring County Boards to pay for the tuition of Pauper Children kept in Poor Houses. Approved May 24, 1877. In force July 1, 1877.*

SECTION 1. [MONEY PAID FOR TUITION.] *Be it enacted by the People of the the State of Illinois, represented in the General Assembly, That* county boards shall order to be paid out of the county treasury a just and equitable sum of money for the tuition of pauper children residing in the county poor house, and attending any district school in this State.

§ 2. Said money shall be paid to the township treasurer of the township in which said district is situated, and said treasurer shall place said money to the credit of the district where said pauper children attend school.

APPROVED May 24, 1877.

PENITENTIARY.

§ 1. Acts of commissioners legalized.

| § 2. Authorized to convey.

AN ACT *to confirm and legalize certain acts of the Commissioners of the Illinois State Penitentiary and to authorize them to sell and convey certain real estate for the benefit of the State, or the Illinois State Penitentiary. Approved May 25, 1877. In force July 1, 1877.*

WHEREAS, On the ——— day of ————, A. D. 1876, certain real estate hereinafter described, was by deed of conveyance conveyed to the Commissioners of the Illinois State Penitentiary for the use and benefit of said Penitentiary, therefore :

SECTION 1. [ACTS OF COMMISSIONERS LEGALIZED.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* the said conveyance of the said real estate, to-wit: The west one hun-

dred and sixty-five (165) feet of lot ten (10) in Richard's sub-division of blocks thirteen (13) and fourteen (14) of the Canal Trustee's sub-division of the west half of section fifteen (15) of township thirty-five (35) on range ten (10), east of the third (3) principal meridian, it being intended to describe all that part of said lot ten (10), being west of a line running north and south, across said lot, one hundred and sixty-five (165) feet east of Richard St., as shown by the plat on file in the Recorder's office of Will county Illinois; also a strip of land sixteen feet (16) wide off from the south side of lot eleven (11) of Richard's sub-division as above described; said strip of land being one hundred and sixty-five feet long (165) running east and west, adjoining and parallel with the north line of the lot first above described; be and the same is hereby ratified and confirmed, and the title to the said property so conveyed is hereby declared to be in the Commissioners of the Illinois State Penitentiary for the use and benefit of (the People of the State of Illinois) [or] the Illinois State Penitentiary.

§ 2. [AUTHORIZED TO CONVEY.] The Commissioners of the Illinois State Penitentiary are hereby authorized to sell and convey the said above described real estate, for the use and benefit of the said Illinois State Penitentiary.

APPROVED May 25, 1877.

PRACTICE.

SUITS WHERE BROUGHT—SERVICE.

§ 2. Suits—Where Brought.

| § 4. Service—Return.

AN ACT to amend sections two and four of an act entitled "*An act in regard to practice in courts of record*," approved February 22, 1872. Approved May 29, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That section two and four of of an act entitled "An act in regard to practice in courts of record," approved February 22, 1872, be and the same are hereby amended so as to read as follows, to-wit:*

§ 2. [SUITS WHERE BROUGHT.] It shall not be lawful for any plaintiff to sue any defendant out of the county where the latter resides or may be found, except in local actions, and except that in every species of personal actions in law where there is more than one defendant, the plaintiff commencing his action where either of them resides, may have his writ or writs issued directed to any county or counties where the other defendant or either of them may be found: *Provided, That if a verdict shall not be found or judgment rendered against the defendant or defendants resident in the county where the action is commenced judgment shall not be rendered against those defendants who do not reside in the county, unless they appear and*

defend the action. Actions against a railroad or bridge company, may be brought in the county where its principal office is located, or in the county where the cause of action accrued or in any county into or through which its road or bridge may run.

§ 4. [SERVICE—RETURN.] An incorporated company may be served with process by leaving a copy thereof with its President if he can be found in the county in which the suit is brought, if he shall not be found in the county, then by leaving a copy of the process with any clerk, secretary, superintendent, general agent, cashier, principal, director, engineer, conductor, station agent or any agent of said company found in the county, and in case the proper officer shall make return upon such process that he cannot in his county find any clerk, secretary, superintendent, general agent, cashier, principal, director, engineer, conductor, station agent or any other agent of said company, then such company may be notified by publication and mail in like manner and with like effect, as is provided in sections twelve and thirteen of an act entitled "An act to regulate the practice in courts of chancery," approved March 15, 1872.

APPROVED May 29, 1877.

TRIAL—SEPARATE DOCKETS.

§ 16. Order of Trial—Separate Dockets.

AN ACT to amend section sixteen of "*An act in regard to Practice in Courts of Record*," approved February 22, 1872. Approved May 22, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section sixteen, of an act entitled "*An act in regard to Courts of Record*," approved February 22, 1872, be and the same is hereby amended so as to read as follows, to-wit:

§ 16. [ORDER OF TRIAL—SEPARATE DOCKETS.] All causes shall be tried, or otherwise disposed of, in the order they are placed on the docket, unless the court for good and sufficient cause shall otherwise direct: *Provided, however,* That in any county wherein two or more judges shall be holding separate branches of the same court, at the same time, for the trial of causes, such court may direct the clerk to make out two or more trial dockets, and to place all causes upon notes and other instruments of writing for the payment of money only, and upon open accounts, on one of such dockets; all appeals from justices of the peace, on another of such dockets, and may cause such other distribution of causes upon separate dockets as in its discretion it may deem necessary and proper; and the Court may try or otherwise dispose of the causes, in their order on any of such dockets as it may deem proper.

APPROVED May 22, 1877.

SCIRE FACIAS.

§ 26. Scire Facias—Declaration.

AN ACT to amend section twenty-six (26) of an act entitled "An act in regard to Practice in Courts of Record," approved February 22, 1872. Approved May 22, 1877. In force July 1, 1877.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That section twenty-six of an act entitled "An act in regard to practice in Courts of Record," approved February 22, 1872, be so amended as to read as follows, to-wit:

§ 26. [SCIRE FACIAS.] It shall not be necessary to file a declaration in any *scire facias* to revive a judgment, or foreclose a mortgage, in any Court of Record in this State. And in any such case of *scire facias* to revive a judgment, where the plaintiff in the judgment sought to be revived, or his attorney shall file an affidavit in the office of the Clerk of the Court out of which the writ issues, showing that the defendant in the *scire facias*, resides or has gone out of the State, or is concealed within the State, so that process cannot be served on him, and stating the place of residence of such defendant, if known, or that on due inquiry his place of residence cannot be ascertained; then in such case notice to the defendant may be given by publication and mail in the same manner as is provided by Statute for notice in like cases in Chancery.

APPROVED May 22, 1877.

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| 36. Affidavit of plaintiff's claim. | 80. Final judgment on appeal. |
| 67. Appeal—Condition of bond. | 81. Partial reversal—Remanding cause. |
| 68. Approval of bond by clerk. | 82. Dismissal of appeal, etc.—Execution. |
| 69. No dismissal for insufficiency of bond. | 83. Cause remanded—Transcript—Case reinstated. |
| 70. Either of several parties may appeal. | 84. Transcript not filed within two years. |
| 71. State charitable institutions—Appeal without bond. | 85. Writ of error—Limitation. |
| 72. When record to be filed. | 86. Proceedings when defendant in error not found. |
| 73. Dismissal of appeal—Judgment. | 87. Final order, etc.—Recital of facts. |
| 74. Agreed case. | 88. Appeals in criminal cases. |
| 75. Judge may certify questions of law. | 89. Questions of law. |
| 76. When above not to apply. | 90. Appeal from Appellate to Supreme Court. |
| 77. Writ of error not to operate as superse-deas. | 91. Supreme Court to make rules. |
| 78. Assignment of cross errors. | 3. Repeal. |
| 79. Joinder in error. | |

AN ACT to amend an act entitled "An act in regard to Practice in Courts of Record," approved February 22, 1872. Approved June 2, 1877. In force July 1, 1877.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That sections thirty-six (36) and sixty-seven (67) to eighty-six (86), inclusive, of an act entitled "An act in regard to practice in courts of record," approved February 22, 1872, be amended so as to read as follows:

§ 36. [AFFIDAVIT OF PLAINTIFF'S CLAIM.] If the plaintiff in any suit upon a contract expressed or implied, for the payment of money, shall file with his declaration an affidavit showing the nature of his demand, and the amount due him from the defendant, after allowing to the defendant all his just credits, deductions and set-offs, if any, he shall be entitled to judgment as in case of default, unless the defend-

ant or his agent or attorney, if the defendant is a resident of the county in which the suit is brought, shall file with his plea an affidavit stating that he verily believes he has a good defense to said suit, upon the merits to the whole or a portion of the plaintiff's demand, and if a portion, specifying the amount, (according to the best of his judgment and belief) upon good cause shown, the time for filing such affidavit may be extended for such reasonable time as the court shall order; no affidavit of merits need be filed with a demurrer or motion: *Provided*, That this section shall not apply to any case where an executor or administrator shall defend in behalf of an estate, and, *Provided*, *further*, That if the plaintiff, his agent, or attorney, shall file an affidavit stating that affiant is taken by surprise by such plea and affidavit of merit, and that he believes that plaintiff has testimony to support his claim against the defendant, which he cannot produce at that term of court, but expects to produce by next term, the court shall continue such cause until the next term.

§ 67. [APPEALS—CONDITION OF BOND.] Appeals from and writs of error to all Circuit Courts, the Superior Court of Cook county, and city courts, and from other courts from which such appeals and writs of error may be allowed by law, may be taken to the appellate courts from all final judgments, orders and decrees except as hereinafter stated: *Provided*, Such appeals shall be prayed for and allowed at the term at which the judgment, order or decree was rendered: *And provided*, The party praying for such appeal, shall, within such time not less than twenty days, as shall be limited by the court, give and file in the office of the clerk of the court from which the appeal is prayed bonds in a reasonable amount, to secure the adverse party, to be fixed by the court, with sufficient security, to be approved by the court. If the appeal is from a judgment or decree for the recovery of money, the condition of the bond shall be for the prosecution of such appeal and the payment of the judgment, interest, damages and costs in case the judgment is affirmed. In all other cases, the condition shall be directed by the court with reference to the character of the judgment, order or decree appealed from. The obligee in such bond may at any time, on a breach of the conditions thereof, have and maintain an action at law as on other bonds.

§ 68. [APPROVAL OF BOND BY CLERK.] The Clerk of the Court, may, by order of the Court, made at the time of praying the appeal and entered of record, approve of the security offered upon such bond, and such approval may be made in term time or vacation.

§ 69. [NO DISMISSAL FOR INSUFFICIENCY OF BOND.] No appeal to the Supreme or Appellant [Appellate] Court shall be dismissed by reason of any informality or insufficiency of the appeal bond, if the party taking such appeal shall, within a reasonable time, to be fixed by the Court, file a good and sufficient bond in such cause, to be approved by the said court.

§ 70 [EITHER OF SEVERAL PARTIES MAY APPEAL.] In all cases where a judgment or decree shall be rendered in any Circuit Court, or in the Superior Court of Cook county, or in any City Court, in any case whatever, either in law or in chancery, against two or more persons, either one of said persons shall be permitted to remove such suit to the Appellate Court, by appeal or writ of error, and for that purpose shall

be permitted to use the names of all of said persons, if necessary; but no cost shall be taxed against any person who shall not join in said appeal or writ of error. All such cases shall be determined in said Appellate Courts, as other suits are, and in the same manner as if all the parties had joined in said appeal or writ of error.

§ 71. [STATE CHARITABLE, ETC., INSTITUTIONS MAY APPEAL WITHOUT BOND.] The corporations of all charitable, educational, penal or reformatory institutions under the patronage and control of the State, may in all cases of appeal or writ of error by them to the Supreme Court or Appellate Court, prosecute the same without giving bond; and the Supreme Court, or the Judges thereof in vacation, may grant writs of *supersedeas* on any writ of error or appeal when prosecuted by any of said corporations, without requiring any bond to be given, as is now required by law.

§ 72. [WHEN RECORD TO BE FILED.] Authenticated copies of records of judgments, orders and decrees appealed from shall be filed in the office of the Clerk of the Supreme Court or Appellant [Appellate] Court, as the case may be, on or before the second day of the succeeding term of said courts; *Provided*, Twenty (20) days shall have intervened between the date of the judgment, order or decree appealed from and the sitting of the Court to which the appeal shall be taken; but if ten (10) days, and not twenty (20), shall have intervened as aforesaid, then the record shall be filed, as aforesaid, on or before the tenth (10) day of said succeeding term otherwise the said appeal shall be dismissed, unless further time to file the same shall have been granted by the Court to which said appeal shall have been taken, upon good cause shown.

§ 73. [DISMISSAL OF APPEAL—JUDGMENT.] When appeals from judgments orders or decrees for the recovery of money, are dismissed by the Supreme or Appellate Court for want of prosecution, or for failing to file authenticated copies of records, as required by law, the court shall enter judgment against the appellants for not less than five (5) nor more than ten (10) per cent. damages on the amount recovered in the inferior court, for the collection of which the appellee shall be entitled to execution as on other judgments.

§ 74. [AGREED CASE.] The parties in any suit or proceeding at law or in chancery, in any Circuit Court or the Superior Court of Cook county, or in any City Court, may make an agreed case containing the points of law at issue between them, and file the same in such court; and the said agreed case, with the decision thereon, may be certified to the Appellate Court or Supreme Court by the Clerk of such Court, without certifying any fuller record in the case; and upon such agreed case being so certified and filed in the Appellate Court or Supreme Court, the appellant or plaintiff in error may assign errors, and the case shall then be proceeded in in the same manner as it might have been had a full record been certified to said Appellate Court or Supreme Court.

§ 75. [JUDGE MAY CERTIFY QUESTIONS OF LAW.] Any judge of the Circuit Court, or the Superior Court of Cook county, or of any City Court, may, if the parties litigant assent thereto, certify any question or questions of law arising in any case tried and finally determined

before him to the Appellate or Supreme Court, together with his decision thereon; or the parties in the case may agree as to the questions or points of law arising in the case, and the same may be certified by the counsel or attorneys of the respective parties, who shall sign their names thereto; and upon such certificate being made, the same shall be filed in the court rendering the decision, and a copy of such certificate, certified by the Clerk of said Court, with the decision thereon and final decision in the case, to the Appellate Court or Supreme Court, and filed therein; and upon filing the same, the like proceedings may be had in the Appellate Court or Supreme Court, as if a full and complete record had been transcribed and certified to said court.

§ 76. [WHEN ABOVE NOT TO APPLY.] The two (2) preceding sections shall not apply to cases in which the title to real estate is in question, nor to cases where any question of fact appertaining to the constitutional enactments of a law of this State is involved.

§ 77. [WRIT OF ERROR NOT TO OPERATE AS SUPERSEDEAS, WHEN.] No writ of error shall operate as a supersedeas unless the Supreme Court or Appellate Court, as the case may be, or some Judge thereof in vacation, after inspecting a copy of the record, shall order the same to be made a supersedeas, nor until the party procuring such writ shall file a bond in the manner and with the conditions required in case of appeal, when the Clerk issuing such writ shall endorse thereon that it shall be a supersedeas, and operate accordingly; and the parties in writs of error shall be subject to the same judgment and mode of execution as is provided in case of appeal.

§ 78. [ASSIGNMENT OF CROSS-ERRORS.] In all cases of appeal to the Supreme Court or Appellate Court, or writ of error, the appellee or defendant in error may assign cross-errors; and the court shall dispose of the same as in other cases of assignment of error.

§ 79. [JOINDER IN ERROR.] No judgment, order or decree shall be reversed by the Supreme Court or Appellate Court upon appeal or writ of error for want of a joinder in error; but upon error being assigned, if the opposite party does not plead in proper time, the case shall be treated as if error had been joined.

§ 80. [FINAL JUDGMENT ON APPEAL—EXECUTION.] In all cases of appeal and writ of error, the Supreme Court or Appellate Court may give final judgment and issue execution, or remand the cause to the inferior court, in order that an execution may be there issued, or that other proceedings may be had thereon any judgment rendered in the Supreme Court or Appellate Court shall become a lien on real estate after execution shall be issued and levied, and a certificate thereof filed in the office of the Circuit Clerk of the county where the real estate levied on is situated.

§ 81. [PARTIAL REVERSAL—REMANDING CAUSE.] The Supreme Court or Appellate Court, in case of a partial reversal, shall give such judgment or decree as the inferior court ought to have given, and for this purpose may allow the entering of a remittitur, either in term time or vacation, or remand the cause to the inferior court for further proceedings as the case may require.

§ 82. [DISMISSAL OF APPEAL, ETC.—EXECUTION.] When an appeal

or writ of error shall be prosecuted from a judgment, order or decree to the Supreme Court or Appellate Court, and such appeal or writ of error is dismissed, or the judgment, order or decree is affirmed, upon a copy of the order of the Supreme Court or Appellate Court, as the case may be, being filed in the office of the Clerk of the Court from which the case was originally removed, execution may issue, and other proceedings may be had thereon in all respects as if no appeal or writ of error had been prosecuted.

§ 83. [CAUSE REMANDED--TRANSCRIPT--CASE REINSTATED.] When a cause or proceeding is remanded by the Supreme Court or Appellate Court, upon a transcript of the order of the Court remanding the same being filed in the Court from which the cause of proceeding was removed, or in which the cause originated, as the case may require, and not less than ten (10) days' notice thereof being given to the adverse party, or his attorney, the cause or proceeding shall be reinstated therein. In case of non-resident parties, or parties who cannot be found, so that personal notice cannot be served upon them, the notice may be given as in cases in chancery, or as may be directed by the Court.

§ 84. [TRANSCRIPT NOT FILED WITHIN TWO YEARS.] If neither party shall file such transcript within two years from the time of making the final order of the Supreme Court or Appellant [Appellate] Court, as the case may be, reversing any judgment or proceeding, the cause shall be considered as abandoned, and no further action shall be had therein.

§ 85. [WRIT OF ERROR--LIMITATION.] A writ of error shall not be brought after the expiration of five years from the rendition of the decree or judgment complained of; but when a person, thinking himself aggrieved by any decree or judgment that may be reversed in the Supreme Court or the Appellate Court, shall be an infant, *non compos mentis*, or under duress, when the same was entered, the time of such disability shall be excluded from the computation of the said five years.

§ 86. [PROCEEDINGS WHEN DEFENDANT IN ERROR NOT FOUND.] When any plaintiff in error shall file in the office of the Clerk of the Supreme Court or Appellate Court, as the case may be, an affidavit showing that any defendant resides, or has gone out of this State, or, on due inquiry, cannot be found, or is concealed within this State, so that process cannot be served upon him, and stating the place of residence of such defendant, if known, and also the place of residence of the attorney who appeared in the case in the court to which the writ of error is directed; or that, upon diligent inquiry, their places of residence cannot be ascertained, the Clerk of the Supreme Court or Appellate Court, as the case may be, wherein the cause shall be pending, shall cause publication to be made in some newspaper published in the county in which the cause was originally instituted; but if no newspaper shall be published in such county, then such notice shall be published in a newspaper published nearest to said county, containing notice of the pendency of such suit, the names of the parties thereto, the title of the court, and the time and place of the return of summons in the case; and he shall also, within ten (10) days of the first publication of such notice, send a copy thereof by

mail, addressed to such defendant and attorney whose place of residence are stated in such affidavit. The certificate of the Clerk, that he has sent such notice in pursuance to this section, shall be evidence. Such notice shall be published for four consecutive weeks, the first insertion of which said notice shall be at least forty days before the first day of the term of court to which said writ is made returnable; and unless said time has intervened, no proceedings therein shall be had at said term, but the said cause shall stand continued to the next term of the court: *Provided*, that in case both parties appear and consent to the hearing, the said cause shall then be heard.

§ 2. Additional sections shall be added to said entitled act, to read as follows:

§ 87. [FINAL ORDER, ETC.—RECITAL OF FACTS.] If any final determination of any cause, as specified in the preceding sections, shall be made by the Appellate Court, as the result wholly or in part of the finding of the facts concerning the matter in controversy, different from the finding of the court from which such cause was brought by appeal or writ of error, it shall be the duty of such Appellate Court to recite in its final order, judgment or decree the facts as found, and the judgment of the Appellate Court shall be final and conclusive as to all matters of fact in controversy in such cause.

§ 88. [APPEALS IN CRIMINAL CASES.] Appeals from and writs of error to circuit courts, and the superior courts of Cook county, and city courts, in all criminal cases and cases in which a franchise or freehold, or the validity of statute is involved, shall be taken directly to the supreme court in case the party appealing or prosecuting such writ of error shall so elect, excepting in cases of chancery; and in all cases of chancery heard and determined in the Appellate Court, wherein an appeal is perfected or a writ of error is prosecuted, it shall be the duty of the appellant or plaintiff in error to file in the clerk's office of the Supreme Court of this State, as now provided for by law, a transcript of the records, including the orders or decrees of the Appellate Court entered in the cases.

§ 89. [QUESTIONS OF LAW.] The Supreme Court shall re-examine cases brought to it by appeal or writ of error as to questions of law only, and no assignment of error shall be allowed which shall call in question the determination of the inferior or Appellate Courts upon controverted questions of fact in any case, excepting those enumerated in the preceding section.

§ 90. [APPEAL FROM APPELLATE TO SUPREME COURT.] In all criminal cases and in all cases where a franchise or freehold, or the validity of a statute is involved, and in all other cases where the sum or value in the controversy shall exceed one thousand dollars (\$1,000) exclusive of costs, which shall be heard in any of the appellate courts, upon errors assigned, if the judgment of the appellate court be that the order, judgment or decree of the court below be affirmed, or if final judgment or decree be rendered therein in the appellate court, or if the judgment, order or decree of the appellate court be such that no further proceedings can be had in the court below, except to carry into effect the mandate of the appellate court, any party to such cause shall be permitted to remove the same to the supreme court by appeal

or writ of error, in the same manner as provided in sections sixty-seven (67) and seventy (70) of this act, for appeals to said appellate court: *Provided*, That such appeal may be prayed for at any time within twenty (20) days after the rendition of such judgment, order or decree, whether such appellate court be in session or not; and if such appeal be prayed for in vacation, any one or more of the judges of such appellate court may make and sign all orders necessary for the perfecting of such appeal, and the clerk shall enter up such orders as part of the record in the cause: *And provided, further*, That in all cases where the judgment, order or decree is for the recovery of money only, if the judgment, order or decree of the inferior or appellate court be affirmed by the Supreme Court, or the appeal or writ of error be dismissed, the Supreme Court may enter judgment against the appellant or plaintiff in error for damages, not exceeding ten (10) per centum on the amount of the judgment recovered, and shall award execution therefor as on other judgments.

§ 91. [SUPREME COURT TO MAKE RULES.] It shall be the duty of the Supreme Court to direct by general rule what portions of and the manner in which the records of the Appellate Court shall be made up and certified in cases removed from such Appellate Courts to the Supreme Court by appeal or writ of error, except as otherwise provided in section eighty-eight (88) aforesaid.

§ 3. [REPEAL.] All laws and parts of laws in conflict with this act are hereby repealed.

APPROVED June 2, 1877.

PRACTICE OF MEDICINE.

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| § 1. Persons practicing medicine — Board —
Qualification, etc.
§ 2. Appointment of board of examiners.
§ 3. Organization—Duties—Powers.
§ 4. Examination—Costs.
§ 5. Examination by boards.
§ 6. Certificates to be recorded. | 7. Books to be kept.
8. Fee for examination.
9. Character of examination.
10. Certificates may be revoked.
11. Who a practicing physician.
12. License—Venders of Drugs.
13. Penalty for not complying. |
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AN ACT to regulate the practice of medicine in the State of Illinois. Approved May 29, 1877. In force July 1, 1877.

SECTION 1. [PERSONS PRACTICING MEDICINE—BOARD—QUALIFICATIONS—EXAMINATIONS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That every person practicing medicine, in any of its departments, shall possess the qualifications required by this act. If a graduate in medicine, he shall present his diploma to the State Board of Health if such Board of Health shall be established by law or Board of Examiners herein named, for verification as to its genuineness. If the diploma is found genuine and if the person named therein be the person claiming and presenting the same, the State Board of Health, if such Board of Health be established by law or the Board of Examiners shall issue its certificate to that effect

signed by all of the members thereof, and such diploma and certificate shall be conclusive as to the right of the lawful holder of the same to practice medicine in this State. If not a graduate the person practicing medicine in this State shall present himself before said Board and submit himself to such examinations as the said Board shall require; and, if the examination be satisfactory to the examiners, the said Board shall issue its certificate in accordance with the facts, and the lawful holder of such certificate shall be entitled to all the rights and privileges herein mentioned.

§ 2. [APPOINTMENT OF BOARD OF EXAMINERS.] In case a State Board of Health shall not be established by law then each State Medical Society incorporated and in active existence on the first day of July 1877, whose members are required to possess diplomas or license from some legally chartered medical institution in good standing, shall appoint, annually a Board of Examiners consisting of seven members, who shall hold their offices for one year, and until their successors shall be chosen. The examiners so appointed shall go before a county judge and make oath that they are regular graduates, or licentiates, and that they will faithfully perform the duties of their office. Vacancies occurring in a Board of Examiners shall be filled by the society appointing it by the selection of alternates, or otherwise.

§ 3. [ORGANIZATION—DUTIES—POWERS.] The State Board of Health if such Board of Health shall be established by law, or Board of Examiners shall organize within three months after the passage of this act, they shall procure a seal, and shall receive through their Secretary applications for certificates and examinations, the President of each Board shall have authority to administer oaths and the Board take testimony in all matters relating to their duties, they shall issue certificates to all who furnish satisfactory proof of having received diplomas or licenses from legally chartered medical institutions in good standing, they shall prepare two forms of certificates, one for persons in possession of diplomas or licenses, the other for candidates examined by the Board, they shall furnish to the County Clerks of the several counties a list of all persons receiving certificates. In selecting places to hold their meetings they shall, as far as is reasonable, accommodate applicants residing in different sections of the State, and due notice shall be published of all their meetings. Certificates shall be signed by all the members of the Board granting them, and shall indicate the medical society to which the Examining Board is attached.

§ 4. [EXAMINATION—COSTS.] Said State Board of Health, if such Board of Health shall be established by law, or Board of Examiners shall examine diplomas as to their genuineness, and if the diploma shall be found genuine as represented, the Secretary of the State Board of Health, if such Board of Health shall be established by law, or Board of Examiners shall receive a fee of one dollar from each graduate or licentiate, and no further charge shall be made to the applicants; but if it be found to be fraudulent, or not lawfully owned by the possessor, the Board shall be entitled to charge and collect twenty dollars (\$20) of the applicant presenting such diploma. The verification of the diploma shall consist in the affidavit of the holder and applicant that he is the lawful possessor of the same, and

that he is the person therein named. Such affidavit may be taken before any person authorized to administer oaths and the same shall be attested under the hand and official seal of such officer, if he have a seal. Graduates may present their diplomas and affidavits as provided in this act, by letter or by proxy, and the State Board of Health, if such Board of Health shall be established by law, or Board of Examiners shall issue its certificate the same as though the owner of the diploma was present.

§ 5. [EXAMINATIONS BY BOARD.] All examinations of persons not graduates or licentiates, shall be made directly by the Board, and the certificates given by the Boards shall authorize the possessor to practice medicine and surgery in the State of Illinois.

§ 6. [CERTIFICATE TO BE RECORDED.] Every person holding a certificate from a State Board of Health if such Board of Health shall be established by law, or Board of Examiners shall have it recorded in the office of the clerk of the county in which he resides, and the record shall be endorsed thereon. Any person removing to another county to practice shall procure an endorsement to that effect on the certificate from the County Clerk, and shall record the certificate, in like manner, in the county to which he removes, and the holder of the certificate shall pay to the County Clerk the usual fees for making the record.

§ 7. [BOOK TO BE KEPT.] The County Clerk shall keep, in a book provided for the purpose, a complete list of the certificates recorded by him, with the date of the issue and the name of the medical society represented by the State Board of Health, if such Board of Health shall be established by law, or Board of Examiners issuing them. If the certificate be based on a diploma or license, he shall record the name of the medical institution conferring it, and the date when conferred. The register of the County Clerk shall be open to public inspection during business hours.

§ 8. [FEE FOR EXAMINATION.] Candidates for examination shall pay a fee of five dollars (\$5.00) in advance, which shall be returned to them if a certificate be refused. The fees received by the Board shall be paid into the treasury of the medical society by which the Board shall have been appointed, and the expenses and compensation of the Board shall be subject to arrangement with the society.

§ 9. [CHARACTER OF EXAMINATION.] Examinations may be in whole or in part in writing, and shall be of an elementary and practical character, but sufficiently strict to test the qualifications of the candidate as a practitioner.

§ 10. [CERTIFICATES MAY BE REVOKED.] The State Board of Health, if such Board of Health shall be established by law, or Board of Examiners may refuse certificates to individuals guilty of unprofessional or dishonorable conduct, and they may revoke certificates for like causes. In all cases of refusal or revocation the applicant may appeal to the body appointing the Board.

§ 11. [WHO A PRACTICING PHYSICIAN.] Any person shall be regarded as practicing medicine, within the meaning of this act, who shall profess publicly to be a physician and to prescribe for the sick, or who shall append to his name the letters of "M. D." But nothing

in this act shall be construed to prohibit students from prescribing under the supervision of preceptors, or to prohibit gratuitous services in cases of emergency. And this act shall not apply to commissioned surgeons of the United States Army and Navy.

§ 12. [LICENSE—VENDERS OF DRUGS.] Any itinerant vender of any drug, nostrum ointment, or appliance of any kind, intended for the treatment of disease or injury, or who shall, by writing or printing, or any other method, publicly profess to cure or treat diseases, injury, or deformity by any drug, nostrum manipulation or other expedient, shall pay a license of one hundred dollars (\$100) a month, to be collected in the usual way.

§ 13. [PENALTY FOR NOT COMPLYING WITH IT.] Any person practicing medicine or surgery in this State without complying with the provisions of this act, shall be punished by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), or by imprisonment in the county jail for a period of not less than thirty days nor more than three hundred and sixty-five days, or by both such fine and imprisonment for each and every offense; and any person filing or attempting to file, as his own, the diploma or certificate of another, or a forged affidavit of identification, shall be guilty of a felony, and, upon conviction shall be subject to such fine and imprisonment as are made and provided by the statutes of this State for the crime of forgery, but the penalties shall not be enforced till on and after the thirty-first day of December eighteen hundred and seventy-seven; *Provided*, That the provisions of this act shall not apply to those that have been practicing medicine ten years within this State.

APPROVED May 29, 1877.

RAILROAD AND IMPROVEMENT AID BONDS.

§ 1. Limits time for issuing bonds—Exceptions.

AN ACT to amend an act entitled “An act to limit and determine the time for which counties, cities, townships, towns and precincts in this State, shall be liable and holden to issue aid for the building of any railroad in pursuance of any vote taken in conformity to the laws of this State,” approved March 17, 1874. Approved May 29, 1877. In force July 1, 1877.

SECTION 1. [LIMITS TIME FOR ISSUING BONDS—EXCEPTIONS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That an act entitled “An act to limit and determine the time for which counties, cities, townships, towns and precincts in this State, shall be liable and holden to issue aid for the building of any railroad in pursuance of any vote taken in conformity to the laws of this State,” approved March 17, 1874, be amended so as to read as follows:

That the liability of all counties, cities, townships, towns or precincts, which have voted aid or donations to or subscriptions to the

capital stock of any railroad company in conformity to the laws of this State for the building, or in aid of the building, of any railroad to, into, through or near such county, city, township, town or precinct, to issue such voted aid, shall cease and determine upon and after the first day of July, A. D. 1880: and no bonds shall be issued, or stock subscribed, to any such railroad company after that date upon account of or upon the authority of such vote: *Provided*, This act shall not apply in any case where the express conditions of the vote for such aid shall extend the time for the building of such railroad beyond the said date; *and it is further provided*, That this act shall not apply in any case where any railroad shall have been built or shall before said date be built, in accordance with the conditions of the vote for aid to such railroad; *and it is further provided*, That this act shall not apply to any case where such aid shall have been deposited, or shall before said date be deposited with any trustee or trustees, upon written or printed conditions to be delivered to said railroad company at some future time: *Provided further*, That this act shall not be construed so as to require any county, city, township, town or precinct to issue, pay or deliver any such aid or bonds where the same may have been voted and subscribed upon any condition or conditions which shall not be complied with within the time expressed in the notice of election, proceedings or vote authorizing such aid to be paid or given.

APPROVED May 29, 1877.

BONDS OF COUNTIES, CITIES, AND OTHER MUNICIPAL CORPORATIONS.

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| § 1. New bonds may be issued for indebtedness or in place of old ones. | § 6. How money disbursed. |
| § 2. Old bonds canceled—New ones to be registered. | § 7. When registered bonds mature and are not paid. |
| § 3. Value of taxable property to be certified to Auditor. | § 8. Entry of payment. |
| § 4. Auditor to certify rate required. | § 9. How and for what purpose new bonds may be issued—Chicago bonds. |
| § 5. State custodian—Collection—Payment. | § 10. Fees—Collector's bond. |
| | § 11. Emergency clause. |

AN ACT to amend an act entitled "*An act relating to county and city debts, and to provide for the payment thereof by taxation in such counties and cities,*" approved February 13, 1865; and to amend the title thereof. Approved and in force April 27, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That an act entitled "*An act relating to county and city debts, and to provide for the payment thereof by taxation in such counties and cities,*" approved February 13, 1865, and the title of the said act be, and the same are hereby, so amended as to be and read as follows: The title of the said act shall be; An act to enable counties, cities, towns, townships, school districts and other municipal corporations to fund, retire and purchase their outstanding bonds and other evidences of indebtedness, and to provide for the registration of new bonds or other evidences of indebtedness in the office of the Auditor of Public Accounts.

§ 2. The first and subsequent sections of the said act shall be as follows:

§ 1. [NEW BONDS MAY BE ISSUED FOR INDEBTEDNESS, OR IN PLACE OF OLD ONES.] That in all cases where any county, city, town, township, school district or other municipal corporation has issued bonds or other evidences of indebtedness for money, or has contracted debts, which are the binding, subsisting, legal obligations of such county, city, town, township, school district or other municipal corporation, and the same, or any portion thereof, remain outstanding and unpaid, it shall be lawful for the proper corporate authorities of any such county, city, town, township, school district, or other municipal corporation, upon the surrender of any such bonds or other evidences of indebtedness, or any number or portion thereof, to issue in lieu or place thereof, to the owners or holders of the same, new bonds or other evidences of indebtedness, in such form, for such amount, upon such time, not exceeding twenty years, payable at such place, and bearing such rate of interest, not exceeding the rate of interest specified in the bonds or evidences of indebtedness, in lieu of which they are issued, as may be agreed upon with the owners or holders of such outstanding bonds or other evidences of indebtedness. And it shall also be lawful for the proper corporate authorities of any such county, city, town, township, school district or other municipal corporation to issue the bonds or other evidences of indebtedness of such county, city, town, township, school district or other municipal corporation, and sell the same to raise money to purchase or retire any or all of such outstanding bonds or other evidences of indebtedness; such bonds or evidences of indebtedness to be in such sums, bear such rate of interest, not exceeding eight per centum per annum, and be payable at such time and place, as may be specified in the vote of the people authorizing their issue; the proceeds of the sales of such bonds to be expended under the direction of the corporate authorities aforesaid in the purchase or retiring of the outstanding bonds or other evidences of indebtedness of such county, city, town, township, school district or other municipal corporation, and for no other purpose whatever. All bonds or other evidences of indebtedness issued under the provisions of this act, shall show upon their face that they are issued under this act, and the purpose for which they are issued, and may provide for the payment of a portion of the principal, annually, until fully paid. The new bonds or other evidences of indebtedness authorized to be issued by this act, shall not be for a greater sum in the aggregate than the principal and accrued or earned interest unpaid, of such outstanding bonds or other evidences of indebtedness: *Provided*, That no new bonds or other evidences of indebtedness shall be issued under this act, unless the same shall be first authorized by a vote of a majority of the legal voters of such county, city, town, township, school district or other municipal corporation voting at some general election or special election held for that purpose.

§ 2. OLD BONDS CANCELED—NEW ONES TO BE REGISTERED.] Upon the surrender of any such bond or other evidence of indebtedness under this act, the same shall be endorsed canceled, and shall from time to time be destroyed under the direction of the authority issuing the same. Upon the issuing of any new bond or evidence of indebtedness, the clerk or other officer having custody of the records of the fiscal matters of such county, city, town, township, school district or

other municipal corporation, as the case may be, shall make registration thereof in a book to be kept in his office for that purpose, showing the date, amount, number, date of maturity, rate of interest and place of payment of such new bond or other evidence of indebtedness, and the description of the bond or evidence of indebtedness for which, or for the purchasing or retiring of which the same was given, as nearly as practicable. On presentation of any such new bond or other evidence of indebtedness issued under this act at the office of the Auditor of Public Accounts for registration, the said Auditor shall cause the same to be registered in his office in a book to be kept for that purpose, such registration shall show the date, amount, number, date of maturity, rate of interest, time when such interest is payable, and place of payment of the principal and interest of such bond or other evidence of indebtedness, under what act, by what authority, for what purpose, and by what county, city, town, township, school district or other municipal corporation issued, and the name of the person or persons presenting the same for registration; and for such registration the Auditor shall be entitled to a fee of twenty-five cents, and the Auditor shall under his seal of office certify upon such bond the fact of such registration, for which the Auditor shall be entitled to a fee of twenty-five cents, such fees to be paid by the person or persons desiring such registration and certificate.

§ 3. [VALUE OF TAXABLE PROPERTY TO BE CERTIFIED TO AUDITOR.] In all cases where any county, city, town, township, school district or other municipal corporation shall issue any bonds or evidences of indebtedness under this act, it shall be the duty of the county clerk of such county, or other officer to whom or whose office the assessment rolls for State taxation of the property within such county, city, town, township, school district or other municipal corporation are or shall be returnable within five days after the total value of the property subject to taxation therein shall be returned to him, to make out and transmit to the Auditor of Public Accounts, to be filed in his office, a certificate setting forth the total value of all taxable property of every nature and description within such county, city, town, township, school district or other municipal corporation as exhibited by such assessment.

§ 4. [AUDITOR TO CERTIFY RATE REQUIRED.] When the bond or other evidences of indebtedness of any county, city, town, township, school district or other municipal corporation to the amount of five thousand dollars, shall be so registered, the Auditor of Public Accounts, shall annually ascertain the amount of interest for the current year due and accrued, and to accrue, on all such bonds and evidences of indebtedness, so registered in his office on the first day of January, then next preceding, to which amount, where such bonds or evidences of indebtedness provide for the payment of a portion of the principal thereof, annually, he shall add such an amount as shall be equal to the portion of the principal specified in such bonds or evidences of indebtedness to be so paid, and shall upon the basis of the certificate of the valuation of property so to be transmitted to him as aforesaid, or in case no such certificate shall be transmitted to him, or filed in his office, then upon the basis of the total valuation of the property in such county, city, town, township, school district or other municipi-

pal corporation for the year next preceding, estimate and determine the rate per centum upon the valuation of such property requisite to meet and satisfy the said interest or interest and principal, as the case may be, together with the ordinary cost to the State of the collection and disbursement of the same, to be estimated by the Auditor and State Treasurer, and shall make and transmit to the county clerk of such county, or of the county in which such city, town, township, school district or other municipal corporation is situated, or to the officer or authority whose duty it is, or may be, to prepare the estimates and books for the collection of State taxes in such county, city, town, township, school district or other municipal corporation, a certificate setting forth such estimated requisite per centum for such purposes to be filed in his office; and the said per centum shall thereupon be deemed added to and a part of the per centum which is, or may be, levied or provided by law for the purposes of State revenue, and shall be so treated by such clerk, officer or authority, in making such estimates and books for the collection of State taxes; and the said taxes shall be collected with the State taxes, and all laws relating to the State revenue shall apply thereto, except as herein otherwise provided; and such per centum shall be deducted from the levy of such county, city, town, township, school district or other municipal corporation for the current or ensuing year, to be applied by the State Treasurer on their respective bonds issued under the provisions of this act.

§ 5. [STATE CUSTODIAN—COLLECTION—PAYMENT.] The State shall be deemed the custodian only of the tax so collected, and shall not be deemed in any manner liable on account of such bonds or other evidences of indebtedness; but the tax and funds so collected shall be deemed pledged and appropriated to the payment of the principal and interest of the registered bonds and evidences of indebtedness, to satisfy which, the same is hereinbefore provided to be collected as aforesaid, and such new bonds and evidences of indebtedness issued under the authority hereof shall be deemed secured and provided for in virtue and faith hereof until fully satisfied. The State shall annually collect and apply the said fund to the satisfaction of the interest, or interest and portion of the principal, as the case may be, of such registered bonds or evidences of indebtedness of any such county, city, town, township, school district or other municipal corporation to the extent the same is herein contemplated to be derived from such tax in the same manner as the interest on the bonds of the State is, or may be, collected or paid, and in like moneys as shall be receivable in payment of State taxes, and moneys so paid upon the principal of any such bonds or evidences of indebtedness, shall be endorsed thereon, and due receipts therefor shall be taken and filed in the office of the Auditor of Public Accounts or State Treasurer, and interest coupons or bonds or other evidences of indebtedness so paid shall be returned to one of said officers and shall be cancelled and returned to the corporate authorities of the municipality which issued the same, and destroyed in the same manner as those pertaining to the State debt.

§ 6. [HOW MONEY DISBURSED.] The State may, out of such fund,

first retain or satisfy the ordinary cost to the State of the collection and disbursement thereof, and in case of the non-presentment of any such bond or evidence of indebtedness or interest coupon of any such county, city, town, township, school district or other municipal corporation for payment at the times and when and where the interest on the State debt is or may be paid, then, on the beginning of the next year, the moneys by reason thereof undisbursed together with any surplus for any cause remaining, shall be carried to the fund of such county, city, town, township, school district or other municipal corporation, of the current or ensuing year, and be considered by the Auditor in making his next estimate for taxation therein for such year under this act, and shall be applied accordingly. All laws relating to the payment of interest on the State debt, or the cancelation of the evidences thereof, not inconsistent with this act, shall apply to the receipt, custody, and disbursement of the taxes and funds provided by this act.

§ 7. [WHEN REGISTERED BONDS MATURE AND ARE NOT PAID.] Upon the maturity of such registered bond or other evidence of indebtedness, and the non-payment thereof by the county, city, town, township, school district or other municipal corporation issuing the same, the holder thereof, may cause the same to be registered in the office of the Auditor as a matured or unsatisfied bond or evidence of indebtedness, and thereupon, for the purpose of providing for the payment of the principal thereof at the rate of five per centum of such principal, annually, and of the interest thereon in arrear, and for the current year to accrue, together with the cost to the State of the collection and disbursement thereof, as aforesaid; the same proceedings, in all respects, shall be had, as is hereinbefore provided for the payment of the interest on such bonds and evidences of indebtedness, by the collection of an annual tax sufficient for the purposes in this section contemplated; and the same shall be collected and applied as aforesaid to such purpose from year to year until the full satisfaction thereof, when such bonds or evidences of indebtedness shall be canceled and returned as hereinbefore provided.

§ 8. [ENTRY OF PAYMENT.] Upon the payment of any such registered bond or evidence of indebtedness, and presentation thereof to the Auditor, he shall cause due entry thereof to be made in his office.

§ 9. [HOW AND FOR WHAT PURPOSE NEW BONDS MAY BE ISSUED—CHICAGO BONDS.] It shall be lawful for the corporate authorities of any such municipal corporation, or officers authorized by law to call elections therein, on the petition of ten legal voters resident therein, to submit to the voters thereof at any election held therein, the question of issuing bonds under this act, by posting a notice in ten of the most public places therein, and by publishing the same in the nearest newspaper, twenty days before said election, which notice shall state the number of bonds proposed to be issued; the amount of each; the rate of interest; when and where payable; for what purpose issued, and the time and place, when and where said election will be held. And upon like petition and notice, it shall be lawful for for such corporate authorities, or officers, to submit the question of issuing bonds under this act, at a special election, which shall be held and conducted in like manner as other elections therein. The ballots shall read;

"For issuing the bonds," or, "Against issuing the bonds." If a majority of the votes cast be "For issuing the bonds," the same shall be issued in conformity to the specifications of said notice. Nothing contained in this act, or in the act to which this is an amendment shall be held to repeal, or in anywise affect the power of the city of Chicago to issue new bonds of said city, conferred by an act of the General Assembly, approved February 13, 1863, amending the charter of said city, nor to in anywise affect any other law which authorizes municipal corporations to issue bonds or other evidences of indebtedness, and which does not provide for the registration thereof.

§ 10. [FEES—COLLECTOR'S BOND.] There shall be allowed to the officers collecting and paying over the taxes authorized to be collected under the provisions of this act, the same fees or compensation as is or may be allowed by law for collecting and paying over State taxes; and where such tax is levied, the bonds of the collectors thereof shall be increased in proportion to the estimated amount of such tax to be collected.

§ 3. [EMERGENCY.] Whereas, certain counties, cities, towns, townships, school districts and other municipal corporations in this State have outstanding bonds and other evidences of indebtedness which are about to mature, and no law exists whereby the same may be funded and registered; therefore, an emergency exists; therefore this act shall be in force from and after its passage.

APPROVED April 27, 1877.

RAILROADS AND WAREHOUSES.

INCORPORATION OF RAILROAD COMPANIES.

§ 1. Corporators. Who may own and operate roads.

AN ACT to amend an act entitled "An act to provide for the Incorporation of Associations that may be organized for the purpose of Constructing Railways, maintaining and operating the same, for prescribing and defining the duties and limiting the powers of such corporations when so organized," approved March 1, 1872. Approved May 11, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That section one (1) of an act entitled "An act to provide for the incorporation of associations that may be organized for the purpose of constructing railways, maintaining and operating the same, for prescribing and defining the duties and limiting the powers of such corporations when so organized," be amended so as read as follows:*

§ 1. [CORPORATORS—WHO MAY OWN AND OPERATE ROAD.] That any number of persons not less than five may become an incor

porated company for the purpose of constructing and operating any railroad in this State, and that any and all railroads or transportation companies authorized to be incorporated and transact business in this State by virtue of this act, shall be and they are hereby authorized and empowered to purchase, own, operate and maintain any railroad sold or transferred under order or powers of sale or decree of, or sale under foreclosure of mortgage or deed of trust, and corporations heretofore organized under the provisions of the act hereby amended, their successors or assigns, shall have and possess all the powers and privileges conferred by this act.

APPROVED May 11, 1877.

FENCING AND OPERATING RAILROADS.

§ 1. Fencing track.

| § 2. Repeal.

AN ACT to amend section one (1) of an act entitled "*An act in relation to fencing and operating railroads*," approved March 31, 1874. Approved May 23, 1877. In force July 1, 1877.

SECTION 1. [FENCING TRACK.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* section one (1) of an act entitled "*An act in relation to fencing and operating railroads*," approved March 31, 1874, be and is hereby amended so as to read as follows:

SECTION 1. That every railroad corporation shall, within six months after any part of its line is open for use, erect and thereafter maintain fences on both sides of its road, or so much thereof as is open for use, suitable and sufficient to prevent cattle, horses, sheep, hogs or other stock from getting on such railroad (except at the crossing of public roads and highways and within the limits of cities and incorporated towns and villages), with gates or bars at the farm crossings of such railroad, which farm crossings shall be constructed by such corporation when and where the same may become necessary, for the use of the proprietors of the lands adjoining such railroad; and shall also construct, where the same has not already been done, and thereafter maintain at all road crossings now existing, or hereafter established, cattle-guards suitable and sufficient to prevent cattle, horses, sheep, hogs and other stock from getting on such railroad; and when such fences or cattle-guards are not made as aforesaid, or when such fences or cattle-guards are not kept in good repair, such railroad corporations shall be liable for all damages which may be done by the agents, engines or cars of such corporation to such cattle, horses, sheep, hogs or other stock thereon; but when such fences and cattle-guards have been duly made and kept in good repair, such railroad corporation shall not be liable for any such damages unless negligently or willfully done.

§ 2. [REPEAL.] All acts and parts of acts in conflict with the foregoing section are hereby repealed.

APPROVED May 23, 1877.

FENCING AND OPERATING RAILROADS.

§ 62. Speed through cities—Damage.

| § 2. Repeal.

AN ACT entitled "*An act to amend section twenty-four of an act in relation to fencing and operating Railroads.*" Approved March 31. 1874. Approved May 22, 1877. In force July 1, 1877.

SECTION 1. [SPEED THROUGH CITIES—DAMAGES.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That section sixty-two of Chapter One Hundred and Fourteen of the Revised Statutes of 1874, be so amended as to read as follows:*

Whenever any railroad corporation shall by itself or agents, run any train, locomotive engine, or car, at a greater rate of speed in or through the incorporated limits of any city, town or village, than is permitted by any ordinance of such city, town or village, such corporation shall be liable to the person aggrieved for all damages done the person or property by such train, locomotive engine or car; and the same shall be presumed to have been done by the negligence of said corporation, or their agents; and in addition to such penalties as may be provided by such city, town or village, the person aggrieved by the violation of any of the provision of this section, shall have an action against such corporation, so violating any of the provisions to recover a penalty of not less than one hundred dollars, nor more than two hundred dollars, to be recovered in any court of competent jurisdiction; said action to be an action of debt, in the name of the People of the State of Illinois for the use of the person aggrieved; but the court or jury trying the case may reduce said penalty to any sum, not less however than fifty dollars, where the offense committed by such violation may appear not to be malicious or willful; *Provided*, That no such ordinance shall limit the rate of speed, in case of passenger trains to less than ten miles per hour, nor in any other case to less than six miles per hour.

§ 2. [REPEAL.] All acts or parts of acts in conflict with this act are hereby repealed.

APPROVED May 22, 1877.

RAILROAD DEPOTS.

§ 1. Required to Build and Maintain Depots. | § 2. Penalty.

AN ACT compelling Railroad Companies in this State to build and maintain depots for the comfort of passengers, and for the protection of shippers of freight at towns and villages on the line of their roads. Approved May 23, 1877. In force July 1, 1877.

SECTION 1. [REQUIRED TO BUILD AND MAINTAIN DEPOTS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That all railroad companies in this State carrying passengers or freight shall, and they are hereby required to build and maintain depots for the comfort of passengers and for the protection of shippers of*

freight, where such railroad companies are in the practice of receiving and delivering passengers and freight, at all towns and villages on the line of their roads having a population of five hundred or more.

§ 2. [PENALTY.] Any railroad company in this State failing to comply with the provisions of the preceding section after this act shall go into effect, and within ninety days after notice in writing of its failure to comply with the provisions of said section shall have been served upon any agent of said railroad by the authorized agent of any town or village aggrieved, shall pay for each and every day it shall neglect the sum of fifty dollars (\$50.00) to be recovered in an action of debt before any justice of [the] peace, in the name of the People of the State of Illinois, in any town or village aggrieved. Said penalty to be paid to the said town or village for the school fund.

APPROVED May 23, 1877.

TO PROTECT PASSENGERS ON RAILROADS.

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| § 1. Conductors invested with police powers. | § 3. When passengers may be arrested. |
| § 2. For what passenger may be ejected from train. | |

AN ACT for the protection of passengers on Railroads. Approved May 14, 1877. In force July 1, 1877.

SECTION 1. [CONDUCTORS INVESTED WITH POLICE POWERS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the conductors of all railroad trains carrying passengers within this State shall be invested with police powers while on duty on their respective trains.

§ 2. [EJECTION OF PASSENGER FROM TRAIN.] When any passenger shall be guilty of disorderly conduct, or use any obscene language, to the annoyance and vexation of passengers, or play any games of cards or chance for money or other valuable thing, upon any railroad train, the conductor of such train is hereby authorized to stop his train at any place where such offense has been committed and eject such passenger from the train, using only such force as may be necessary to accomplish such removal, and may command the assistance of the employes of the railroad company, or any of the passengers, to assist in such removal; but before doing so he shall tender to such passenger such proportion of the fare he has paid as the distance he then is from the place to which he has paid his fare bears to the whole distance for which he has paid his fare.

§ 3. [WHEN PASSENGER MAY BE ARRESTED.] When any passenger shall be guilty of any crime or misdemeanor upon any passenger train, the conductor or employes of such train may arrest such passenger and take him before any Justice of the Peace in the county in which such crime or misdemeanor is committed, and file an affidavit before such Justice of the Peace, charging him with such crime or misdemeanor.

APPROVED May 14, 1877.

TO FACILITATE THE CARRIAGE AND TRANSFER OF PASSENGERS, ETC.

§ 1. Power to own and use water craft.

AN ACT to facilitate the carriage and transfer of passengers and property by railroad companies. Approved May 24, 1877. In force July 1, 1877.

SECTION 1. [POWER TO OWN AND USE WATER CRAFT.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* all railroad companies incorporated under the laws of this State, having a terminus upon any navigable river bordering on this State, shall have power to own for their own use any water craft necessary in carrying across such river any cars, property or passengers transported over their lines, or transported over any railroad terminating on the opposite side of such river to be transported over their lines. *Provided, That* no right shall exist under this act to condemn any real estate for landing for such water craft, or for any other purpose. And this act shall only apply to such railroad companies as own the landing for such water craft: *Provided, also, that* nothing in this act shall be held to impair or affect any right or privilege granted any Ferry Company incorporated under the laws of this State; and that all the powers and rights herein granted said Railroad Companies shall be subject to whatever rights and privileges may have heretofore been granted to any Ferry Company in this State, and that nothing in this act shall prevent said Railroad Companies from being subject, in the use of such water craft, to all laws of the State regulating ferries now in force or hereafter to be in force: *And provided, further, That* nothing in this act shall be held or construed to authorize any railroad or railway company doing business under any charter granted by this State, to consolidate with any railroad or railway company out of this State, so as to form one continuous line of railroad, or otherwise to alter, modify or repeal any provision of any such charter granted by this State; or to impair the rights of this State as now reserved to it in any such charter.

APPROVED May 24, 1877.

OBSTRUCTING BUSINESS OF RAILROADS, ETC.

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| § 1. Locomotive engineer not to abandon engine. | § 3. Conspiracy to impede business. |
| § 2. Persons obstructing business of railroad—
Fine. | § 4. Construction of act. |

AN ACT to prohibit any person from obstructing the regular operation and conduct of the business of railroad companies or other corporations, firms or individuals. Approved June 2, 1877. In force July 1, 1877.

SECTION 1. [LOCOMOTIVE ENGINEER NOT TO ABANDON ENGINE.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, If* any locomotive engineer in furtherance of any combination or agreement, shall willfully and maliciously abandon his locomotive upon any railroad at any other point than the regular schedule

destination of such locomotive, he shall be fined not less than twenty dollars, nor more than one hundred dollars, and confined in the county jail, not less than twenty days, nor more than ninety days.

§ 2. [PERSONS OBSTRUCTING BUSINESS OF RAILROAD—FINE.] If any person or persons shall willfully and maliciously, by any act or by means of intimidation, impede or obstruct, except by due process of law, the regular operation and conduct of the business of any railroad company or other corporation, firm or individual in this State, or of the regular running of any locomotive engine freight or passenger train of any such company, or the labor and business of any such corporation, firm or individual, he or they shall, on conviction thereof, be punished by a fine of not less than twenty dollars nor less than two hundred dollars, and confined in the county jail not more than twenty days, nor more than ninety days.

§ 3. [CONSPIRACY TO IMPEDE BUSINESS.] If two or more persons shall willfully and maliciously combine or conspire together to obstruct or impede by any act, or by means of intimidation, the regular operation and conduct of the business of any railroad company or any other corporation, firm or individual in this State, or to impede hinder or obstruct, except by due process of law, the regular running of any locomotive engine freight or passenger train, on any railroad, or the labor or business of any such corporation, firm, or individual, such persons shall, on conviction thereof, be punished by fine not less than twenty dollars, nor more than two hundred dollars, and confined in the county jail not less than twenty days, nor more than ninety days.

§ 4. [CONSTRUCTION OF ACT.] This act, shall not be construed to apply to cases of persons voluntarily quitting the employment of any railroad company or such other corporation, firm or individual, whether by concert of action or otherwise, except as is provided in section one (1) of this act.

APPROVED June 2, 1877.

RECEIVING, CARRYING AND DELIVERING GRAIN.

§ 2. Scales—Weighing—Penalties.

§ 2. Repeal.

AN ACT to amend section two (2) of an act entitled "An act regulating the receiving, transportation and delivery of grain by railroad corporations, and defining the duties of such corporations with respect thereto," approved April 25, 1871. Approved May 18, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section two (2) of "An act regulating the receiving, transportation and delivery of grain by railroad corporations and defining the duties of such corporations with respect thereto," approved April 25, 1871, be amended so as to read as follows:

§ 2. [SCALES—WEIGHING—PENALTIES.] At all stations or places from which the shipments of grain by the road of such corporation

shall have amounted during the previous year to fifty thousand (50,000) bushels or more, such corporation shall, when required so to do by the persons who are the shippers of the major part of said fifty thousand bushels of grain, erect and keep in good condition for use, and use in weighing grain to be shipped over its road, true and correct scales, of proper structure and capacity for the weighing of grain by car load in their cars after the same shall have been loaded. Such corporation shall carefully and correctly weigh each car upon which grain shall be shipped from such place or station, both before and after the same is loaded, and ascertain and receipt for the true amount of grain so shipped. If any such corporation shall neglect or refuse to erect and keep in use such scales when required to do so as aforesaid, or shall neglect or refuse to weigh in the manner aforesaid any grain shipped in bulk from any station or place, the sworn statement of the shipper, or his agent, having personal knowledge of the amount of grain shipped, shall be taken as true as to the amount so shipped. In case any railroad corporation shall neglect or refuse to comply with any of the requirements of section first, second and fifth of this act, it shall, in addition to the penalties therein provided, forfeit and pay for every such offense and for each and every day such refusal or neglect is continued the sum of one hundred dollars (\$100), to be recovered in an action of debt before any justice of the peace, in the name of the people of the State of Illinois, such penalty or forfeiture to be paid to the county in which the suit is brought, and shall also be required to pay all costs of prosecution, including such reasonable attorney's fees as may be assessed by the justice before whom the case may be tried.

§ 2. [REPEAL.] All parts of said section in conflict with section one of this act are hereby repealed.

APPROVED May 18, 1877.

WAREHOUSES.

§ 15. Rates of Storage.

AN ACT to amend section fifteen of an act entitled "An act to regulate public warehouses and the warehousing and inspection of grain, and to give effect to Article 13 of the Constitution of this State," approved April 25, 1871. Approved May 21, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section fifteen (15), of "An act to regulate public warehouses and the warehousing and inspection of grain, and to give effect to Article thirteen (13) of the Constitution of this State," approved April 25, 1871; be amended so as to read as follows:

SECTION 15. [RATES OF STORAGE.] Every warehouseman of public warehouses of class 'A' shall be required, during the first week in January of each year, to publish in one or more of the newspapers (daily, if there be such,) published in the city in which such warehouse is situated, a table or schedule of rates for the storage of grain in his warehouse during the ensuing year, which rates shall not

be increased, (except as provided for in section 16 of this act) during the year; and such published rates, or any published reduction of them, shall apply to all grain received into such warehouse from any person or source, and no discrimination shall be made directly or indirectly, for or against any charges made by such warehousemen for the storage of grain. The maximum charge for storage and handling of grain, including the cost of receiving and delivering, shall be, for the first ten days or part thereof, one and one-quarter ($1\frac{1}{4}$) cents per bushel, and for each ten days, or part thereof, after the first ten days one-half of one cent per bushel: *Provided, however*, That grain damp, or liable to early damage, as indicated by its inspection when received, may be subject to two cents per bushel storage, for the first ten days, and for each additional five days, or part thereof, not exceeding one-half of one cent per bushel; *Provided, further*, That where grain has been received in any such warehouse prior to the first day of March, eighteen hundred and seventy-seven, under any express or implied contract to pay and receive rates of storage different from those prescribed by law, or where it has been received under any custom or usage prior to said day to pay or receive rates of storage different from the rates fixed by law, it shall be lawful for any owner or manager of such warehouse to receive and collect such agreed or customary rates.

APPROVED May 21, 1877.

REVENUE.

FOR STATE PURPOSES.

§ 1. Tax by Valuation.

| § 2. Rates per cent.—Repealing Clause.

AN ACT to provide the necessary revenue for State purposes. Approved May 25, 1877. In force July 1, 1877.

SECTION 1. [TAX BY VALUATION.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That there shall be raised by levying a tax, by valuation upon the assessed taxable property for the year A. D., 1877, in this State, the following sum, to-wit: For general State purposes, to be designated "revenue fund," two million dollars (\$2,000,000), for the year 1877, and one million five hundred thousand dollars (\$1,500,000) upon the assessed taxable property for the year 1878; and for State school purposes, to be designated "State school fund," one million dollars (\$1,000,000) for each of said years, 1877 and 1878, upon the valuation aforesaid.

§ 2. [RATES PER CENT—REPEALING CLAUSE.] The Governor and Auditor shall annually, compute, the separate rates per cent. required to produce not less than the above amounts, anything in any other act providing a different manner of ascertaining the amount of revenue required to be levied for State purposes to the contrary notwith-

standing, and when so ascertained, the Auditor shall certify to the county clerks the proper rates per cent. therefor, and also such definite rates for other purposes as are now or may hereafter be provided by law, to be levied and collected as State taxes, and all laws and parts of laws in conflict with this act are hereby repealed.

APPROVED May 25, 1877.

BRIDGES ON BORDER OF STATE—HOW TAXED.

§ 1. Sale of Bridge, etc., for Tax.

AN ACT to amend section two (2), of an act entitled "*An act to provide for the assessment and taxation of bridges across navigable waters on the borders of this State,*" approved and in force May 1, 1873. Approved May 3, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section two (2) of an act entitled "*An act to provide for the assessment and taxation of bridges across navigable waters on the borders of this State,*" approved, and in force, May 1, 1873, be so amended as to read as follows:

§ 2. [SALE OF BRIDGE, ETC., FOR TAX.] In default of the payment of any such tax assessed against any such bridge company, as aforesaid, such bridge structure, and approaches thereto, so far as the same are located within this State, together with the land on which the same is located, as described by the Assessor, and the franchise belonging thereto, shall be sold for such tax at the same time and in the same manner as other real estate shall be sold in such county for delinquent tax; and any county, city, town, school district, or other municipal corporation, interested in the collection of the tax levied upon such bridge, may become the purchaser at such sale, or at any sale of such property under judgment recovered upon, or to enforce the collection of, such tax; and if the property, so sold, is not redeemed, may acquire, hold, sell and dispose of the title thereto.

APPROVED May 3, 1877.

MANNER IN WHICH TAXES ARE TO BE COLLECTED.

§ 154. Kind of money.

AN ACT to amend an act entitled "*An act for the assessment of property and for the levy and collection of taxes,*" approved March 30, 1872. Approved May 25, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section one hundred and fifty-four of "*An act for the assessment of property and for the levy and collection of taxes,*" approved March 30, 1872, be and the same hereby is amended so that hereafter it shall read as follows:

§ 154. [KIND OF MONEY.] The county revenue shall be collected in gold and silver coin, United States legal tender notes, current national bank notes, county orders and jury certificates, and in no other currency. The revenue for State purposes shall be collected in gold and silver coin, United States legal tender notes, current national bank notes and Auditor's warrants, and in no other currency. The revenue for city purposes shall be collected in gold and silver coin, United States legal tender notes, current national bank notes, city comptroller's, city auditor's, or city clerk's warrants or orders on the city treasurer, and in no other currency. State taxes levied for any special purpose, other than to defray the ordinary expenses of the State government, shall be collected in gold and silver coin, United States legal tender notes, current national bank notes and in no other currency. All other taxes shall be collected in gold and silver coin, United States legal tender notes and in current national bank notes, and in no other currency unless otherwise specially provided for.

APPROVED May 25, 1877.

RETURN AS TO REAL ESTATE TAX.

§ 172. Form of Returns as to Real Estate Tax.

AN ACT to amend section 172 of an act entitled "An act, for the assessment of property, and for the levy and collection of taxes," approved March 30, 1872. Approved May 25, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That section 172, of said act, be so amended as to read as follows, to-wit:*

§ 172. [RETURN AS TO REAL ESTATE TAX.] Each town or district collector, in counties under township organization, shall at the same time make out and deliver to the County Collector, a list of the real estate, in his town or district, on which the taxes remain due and unpaid, describing the same as in the tax book set forth giving the names of the persons to whom listed and the amount of each kind of tax charged thereon, and shall swear to the correctness of such list, and that the taxes therein set forth remain due and unpaid. And in counties not under township organization, it shall be the duty of the district collector to make return of the taxes uncollected in his hands to the County Collector under oath in the manner hereinbefore stated. *Provided, That in making out such list, he shall return only the total amount of each kind of taxes remaining due and unpaid, and shall accompany such return with the tax books in his hands, which shall be made a part of his report whereupon the County Collector shall at once proceed to the collection of taxes appearing upon said tax books as unpaid in the manner now provided by law for the collection of delinquent taxes.*

APPROVED May 25, 1877.

COUNTY COLLECTOR'S POWERS, ETC.

§ 1. Powers of Collector—When Town Collector's Books may be Delivered to.

AN ACT to amend section one hundred and eighty-one (181) of an act entitled "*An act for the assessment of property, and for the levy and collection of taxes,*" approved March 30, 1872. Approved May 21, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section one hundred and eighty-one (181) of the act for the assessment of property, and for the levy and collection of taxes, approved March 30, 1872, in words and figures as follows, to-wit: "Section one hundred and eighty-one (181), County Collectors shall have the same powers, and may proceed in the same manner for the collection of any tax on real or personal property, as is, or may be given to town or district collectors," be, and the same is hereby amended to read as follows:

§ 181. [POWERS OF COLLECTOR—TOWN COLLECTOR'S BOOKS.] County Collectors shall have the same powers and may proceed in the same manner for the collection of any tax on real or personal property, as town or district collectors; and if in any town or collection district the office of town or district collector is, or shall become vacant, and such vacancy shall not be filled before the tenth day of March next following such vacancy, or, if in any town or collection district the books for the collection of taxes for any reason have not been, or shall not be delivered to the town or district collector before the tenth day of March, in any year next ensuing after the making out of such books, the County Clerk of the county wherein such town or collection district is situated shall deliver all such collector's books to the county collector of such county, having annexed to each of such books a warrant, under the hand and official seal of the County Clerk, commanding such county collector to collect from the several persons named in such books the several sums of taxes therein charged opposite their respective names, and authorizing him in case any person named in such collector's books shall neglect or refuse to pay his personal property tax, to collect the same by distress and sale of the goods and chattles of such person. It shall, thereupon, be the duty of such county collector to collect and pay over all taxes, assessments and other charges shown in such books, and to do all acts required of him by law, in like manner as if such taxes, assessments and other charges had been duly returned delinquent by a town or district collector. The collector's books, so delivered to the County Collector by the County Clerk shall for all purposes in all subsequent proceedings be used in lieu of, and have the same force and effect as the statement of uncollected taxes on personal property, and list of real estate, on which the taxes remain due and unpaid, provided by law to be made out by town and district collectors.

APPROVED May 21, 1877.

APPEALS—DEPOSIT TO BE MADE BEFORE APPEAL GRANTED.

§ 192. Appeals—Deposit—Damages—Cost.

AN ACT to amend section 192 of an act entitled "*An act, for the assessment of property and for the levy and collection of taxes,*" approved March 30th, 1872, and to amend an act entitled "*An act to amend sections one hundred and ninety-two (192), and one hundred and ninety-three*" (193), of an act entitled "*An act, for the assessment of property and for the levy and collection of taxes,*" approved March 30th, 1872; approved April 15th, 1875. Approved May 25th, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section one hundred and ninety-two of said act, of March 30th, 1872, as amended April 15th, 1875, be further amended so as to read as follows:

§ 192. Appeals from the judgment of the Court may be taken during the same term to the Supreme Court on the party praying an appeal executing a bond to the people of the State of Illinois, with two or more sureties to be approved by the Court, in some reasonable amount to be fixed by the Court, conditioned that the appellant will prosecute his said appeal with effect, and will pay the amount of any tax assessment, and cost which may finally be adjudged against the real estate involved in the appeal by any Court having jurisdiction of the cause. But no appeal shall be allowed from any judgment for the sale of lands or lots for taxes, nor shall any writ of error to reverse such judgment operate as a supersedeas, unless the party praying such appeal or desiring such a writ of error, shall before taking such appeal or suing out such writ of error, deposit with the County Collector an amount of money equal to the amount of the judgment and costs. If in case of an appeal, or suing out a writ of error, the judgment shall be affirmed in whole or in part, the Supreme Court shall enter judgment for the amount of the taxes with damages, not to exceed ten per cent., and order that the amount deposited with the Collector, as aforesaid, or so much thereof as may be necessary, shall be credited upon the judgment so rendered, and execution shall issue for the balance of said judgment, damages and costs. The Clerk of the Supreme Court shall transmit to said County Collector, a certified copy of the order of affirmance, and it shall be the duty of the Collector, upon receiving the same, to apply so much of the amount deposited with him, as aforesaid, as shall be necessary to satisfy the amount of the judgment of the Supreme Court, and to account for the same as collected taxes. If the judgment of the County Court shall be reversed and the cause remanded for a rehearing, and if upon the rehearing, judgment shall be rendered for the sale of the lands or lots for the taxes, or any part thereof, and such judgment be not appealed from, or a writ of error prosecuted with supersedeas issued thereon, as herein provided, the Clerk of the County Court shall certify to the County Collector the amount of such judgment, and thereupon it shall be the duty of the County Collector to certify to the County Clerk the amount deposited with him, as aforesaid, and the County Clerk shall credit the said judgment with the amount of such deposit, or so much

thereof as will satisfy the judgment, and the County Collector shall be chargeable with, and accountable for, the amount so credited, as collected taxes. Nothing herein contained shall be construed as requiring an additional deposit in case of more than one appeal or writ of error being prosecuted in said proceedings. If, upon a final hearing, judgment shall be refused for the sale of lands or lots for the taxes, or any part thereof, the Collector shall pay over to the party who shall have made said deposit, or his legally authorized agent or representatives, the amount of the deposit, or so much thereof as shall remain after the satisfaction of the judgment against the premises in respect of which such deposit shall have been made.

APPROVED May 25, 1877.

PROCEEDINGS IN APPEAL CASES.

§ 193. Proceedings for sale in appeal cases. | § 2. Emergency.

AN ACT to amend section one hundred and ninety-three (193) of an act entitled "An act for the assessment of Property, and for the Levy and Collection of Taxes," approved March 30, 1872. Approved and in force May 17, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* section one hundred and ninety-three (193) of an act entitled, "An act for the Assessment of Property and for the Levy and Collection of Taxes," approved March 30th, 1872, be and the same is hereby amended so that the same shall read as follows :

§ 193. [PROCEEDINGS FOR SALE IN APPEAL CASES.] In all cases of appeal to the Supreme Court from the judgment of the County Court for any taxes or assessments levied upon real estate the Supreme Court may render judgment against all the lots and lands, or any particular lot or tract of land embraced in the appeal, for so much or such part of the taxes and assessments, or any particular tax or assessment, it may find to be legally charged against the same; and in case it shall find any part of the taxes or assessments, or any particular tax or assessment, charged against the same, has not been legally charged, it may either remit said taxes or assessments or particular tax or assessment so found to be illegally charged, or may reverse so much or such part of the judgment of the County Court as relates to said taxes or assessments, or particular tax or assessment, so illegally charged, and remand the same to said inferior court, that other proceedings may be had thereon. When the judgment of an inferior court shall have been, or shall be, affirmed by the Supreme Court, or when judgment shall be rendered by the Supreme Court against any lot or tract of land embraced in such appeal, it shall be the duty of the Clerk of the Supreme Court to make out and deliver to the County Clerk of the county from which such appeal is taken, a record of the lands and lots against which judgment is rendered or affirmed, which shall set forth the name of the owner,

if known, the description of the property, the total amount of the judgment on each tract or lot, and shall attach thereto a copy of the order of the Supreme Court and his certificate that such record is correct, which shall be filed in the office of said County Clerk, and shall be the process on which such real estate, or any interest therein, shall be sold for such taxes or assessments, or particular tax or assessment, as well as the record for the sale thereof; and it shall be the duty of the County Collector, assisted by the County Clerk, to proceed and sell the same for the amount of such judgment and costs in the manner provided, when judgment is rendered by the County Court against delinquent real estate. The Collector shall publish a general notice of such sale in a newspaper published in his county, if any such there be, and if there be no such paper published in his county, then in the nearest newspaper published in the State, to the county seat of such county; said notice to be so published once in such newspaper at least three weeks previous to the day fixed for such sale. Upon the dismissal of any appeal and upon filing in the office of the County Clerk of the county from which the appeal is taken, a certified copy of the order of such dismissal, the County Clerk shall make a record of the lands and real estate embraced in such appeal, which shall be the process on which the real estate embraced in such appeal shall be sold; and it shall be the duty of the County Collector to proceed and sell the same in the manner provided hereinbefore in cases of judgment rendered against real estate by the Supreme Court on the hearing of an appeal. In all cases of appeals heretofore taken, or which may hereafter be taken, to the Supreme Court from the County Court refusing judgment, and the decision of the County Court, has been or shall be reversed, and the County Court has been, or shall hereafter be, by the order of the Supreme Court, directed to enter judgment against the real estate embraced in said appeal, it shall be the duty of the Clerk of the Supreme Court to make and deliver to the County Clerk of the county from which such appeal was or may be taken, a record thereof, and embracing all other matters as in cases of a judgment being rendered by the Supreme Court; and the County Court shall upon the presentation of such certified record render judgment thereon, as directed by the Supreme Court, and like proceedings shall be had upon such record to the sale and collection of said judgment. In all cases where any appeal has been taken to the Supreme Court from the judgment of the Circuit Court for any tax or assessment, and such judgment shall have been or may be affirmed, like proceedings shall be had, as near as may be, for the notice, sale and redemption, as if such appeals had been taken from the County Court.

§ 2. [EMERGENCY.] Whereas, the law is inadequate to execute certain judgments hereinbefore rendered in the Supreme Court, therefore, an emergency exists, and this act shall take effect and be in force from and after its passage.

APPROVED May 17, 1877.

CURING IRREGULARITIES IN ASSESSMENTS.

§ 1. Irregularities—Equalization—Emergency.

AN ACT to correct irregularities in Assessment of Property for taxation and in the Equalization of Assessments for such purposes. Approved and in force May 29, 1877.

SECTION 1. [IRREGULARITIES—EQUALIZATION—EMERGENCY.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That in any case where the County Board of any county shall have failed to complete the equalization of assessments, as returned for any year, at the meeting held on the second Monday in July, or shall have failed to act upon a complaint that another is assessed too low at such meeting, the equalization of such assessment, or action upon such complaint by the County Board at any subsequent meeting thereof, is hereby declared legal and valid, and the taxes extended thereon shall be and remain a lien on the property against which they are extended, to the same extent as if such equalization and action upon complaint had been had and taken on the second Monday in July.*

WHEREAS, In some of the counties of this State, it was impossible to equalize all the assessments and act upon the complaints of low assessment at the meeting heretofore designated by law, and therefore an emergency exists to legalize equalizations heretofore made; this act shall take effect and be in force from and after its passage.

APPROVED May 29, 1877.

ROADS AND BRIDGES.

SECTION

1. Certain roads declared public highways.
2. Turn to the right.
3. Drunken driver.
4. Drunken driver—Discharge of.
5. Running horses on public roads.
6. Teams to be hitched.
7. Owner liable for damages—Driver of stage guilty of misdemeanor.
8. Carriage defined.
9. Restriction—Jurisdiction.
10. Commissioners of Highways.
11. Justice to issue summons.
12. Trial.
13. Fine.
14. Contract—Poll tax.
15. Meetings of Commissioners—Officers.
16. Defacing guide-board.
17. Obstructing roads—Penalty.
18. Injuring or obstructing bridge.
19. Suit to recover penalty.
20. Fines—How disposed of.
21. Sidewalks and shade trees.
22. Right to make crossing.
23. When owner may connect fence with bridge.
24. Width of roads.
25. Notice against fast driving on bridge.
26. Penalty for fast driving on bridge.
27. Ditches.
28. Altering, widening, vacating and laying out roads.
29. Petition.
30. Posting copy of petition—Proof.
31. Time of meeting to examine to be fixed—Notice.
32. Adjournment — Decision — Proceedings thereon.
33. In case of vacation of road.
34. When for laying out, altering or widening road.
35. Damages to be ascertained.
36. Damages may be agreed upon.
37. Summoning jury to assess damages.
38. Notice to owners.
39. Summoning jury to assess damages.
40. Challenge of jury.
41. Notice to unknown owners.
42. Service of notice.
43. Oath of jury—Trial.
44. Trial—Judgment.
45. Separate trials—Continuance.
46. Final decision of Commissioners—Notice.

SECTION

47. Commissioners may revoke proceedings.
48. When Commissioners not to revoke proceedings.
49. When damages released, or agreed upon.
50. Inducements may be offered.
51. Town clerk's record—Evidence—Effect of same.
52. Private roads.
53. Limitation of time to open.
54. Crops—Fences.
55. Payment for work on private roads.
56. Roads on town and county lines.
57. Commissioners may allot to each town part of road.
58. Appeal.
59. Time of appeal—Power of Supervisors—Appeal to.
60. Report of decision—Compensation—Effect of decision.
61. Costs of appeal.
62. Majority may decide.
63. Appeal where road is on town or county line.
64. Town and county line roads—How allotted—What deemed such.
65. State line road.
66. Town and county line bridges.
67. Contracts in reference to bridges.
68. Enforcement of contracts.
69. Effect of judgment on such contract.
70. County aid to build bridge.
71. Vote to borrow money to build bridges—Bonds.
72. Re-survey and plat of road.
73. New road not to vacate old roads, unless.
74. Contracts for bridges.
75. May reject all bids.
76. Contracts—How made payable.
77. Orders received for tax.
78. Removal of fences.
79. Compensation of Commissioners.
80. Road to be opened in five years.
81. Tax of town or village—How paid—Extended.
82. Tax extended in separate columns.
83. Certificate of tax levied.
84. To whom tax paid when collected.
85. List of tax payers furnished clerk.
86. How tax to be used.
87. Penalty for neglect of duty.
88. Saving clause.
89. Repeal.

AN ACT in regard to Roads and Bridges in Counties under Township Organization. Approved May 26, 1877. In force July 1, 1877.

SECTION 1. [CERTAIN ROADS DECLARED PUBLIC HIGHWAYS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That all roads within this State, which have been laid out in pursuance of any law of this State, or of the late Territory of Illinois, or which have been established by dedication or used for twenty years, and which have not been vacated in pursuance of law are hereby declared to be public highways.*

§ 2. [TURN TO THE RIGHT.] Whenever any persons, traveling with any carriages, shall meet on any turnpike road or public highway in this State, the persons so meeting shall seasonably turn their carriages to the right of the center of the road, so as to permit each

carriage to pass without interfering or interrupting, under the penalty of five dollars for every neglect or offense, to be recovered by the party injured: *Provided*, This section shall not be construed to apply to any case, unless some injury to persons or property shall occur by the driver of the carriage or wagon refusing to turn to the right of the beaten track; nor shall it be construed to extend to a case where it is impracticable, from the nature of the ground, for the driver of the carriage or wagon to turn to the right of the beaten track.

§ 3. [DRUNKEN DRIVER.] No person owning any carriage, running or traveling upon any road in this State, for the conveyance of passengers, shall employ, or continue in employment, any person to drive such carriage, who is addicted to drunkenness or the excessive use of spirituous liquors, and if any such owner shall violate the provisions of this section, after he shall have had notice and reasonable proof that such driver is addicted to drunkenness, he shall forfeit at the rate of five dollars per day for all the time during which he shall thereafter have kept such driver in his employment.

§ 4. [DRUNKEN DRIVER—DISCHARGE OF.] If any driver whilst actually employed in driving any such carriage, shall be guilty of intoxication to such a degree as to endanger the safety of the passengers in the carriage, it shall be the duty of the owner of such carriage, on receiving written notice of the fact, signed by any one of said passengers, and certified by him on oath, for[th]with to discharge such driver from his employment; and every such owner who shall retain or have in his employ, within three months after the receipt of such notice any driver who shall have been so intoxicated, shall forfeit at the rate of five dollars per day for the time during which he shall keep any such driver in his employment after receiving such notice.

§ 5. [RUNNING HORSES ON PUBLIC ROAD.] No person driving any carriage upon any turnpike road or public highway within this State with or without passengers therein shall run his horses or carriage (or permit the same to run) upon any occasion, or for any purpose whatever; and every person who shall offend against the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not exceeding ten dollars, or imprisoned not exceeding sixty days, at the discretion of the court.

§ 6. [TEAMS TO BE HITCHED.] It shall not be lawful for the driver of any carriage used for the purpose of conveying passengers for hire, to leave the horses attached thereto while passengers remain therein without first making such horses fast with a sufficient halter, rope or chain, or by placing the lines in the hands of some other person, so as to prevent their running; and if any such driver shall offend against the provisions of this section, he shall forfeit the sum of twenty dollars, to be recovered by action, to be commenced within six months; and unless the amount of such recovery be paid forthwith, execution shall be immediately issued therefor.

§ 7. [OWNER LIABLE FOR DAMAGES—DRIVER OF STAGE, ETC., GUILTY OF MISDEMEANOR.] The owners of every carriage running upon any turnpike road or public highway, for the conveyance of passengers, shall be liable, jointly and severally, to the party injured, in all cases, for all injuries and damages done by any person in the em-

ployment of such owners as a driver, while driving such carriage, to any person or to the property of any person; and that, whenever the act occasioning such injury or damage be willful, negligent or otherwise, in the same manner that such driver would be liable. Any driver of any mail stage coach or any other vehicle for the conveyance of passengers, willfully offending against the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be imprisoned not exceeding four months, or fined not exceeding three hundred dollars.

§ 8. [CARRIAGE DEFINED.] The term "carriage," as used in this act, shall be construed to include stage coaches, wagons, carts, sleighs, sleds and every other carriage or vehicle used for the transportation of passengers and goods, or either of them.

§ 9. [RESTRICTION—JURISDICTION.] Nothing contained in this act shall interfere with or affect any law concerning hackney coaches or carriages in any of the cities of this State, nor interfere with nor affect the laws or ordinances of any such city for the licensing or regulating such coaches or carriages. Justices of the Peace shall have jurisdiction in all cases arising under this act, where the penalty does not exceed their jurisdiction.

§ 10. [DUTIES OF COMMISSIONERS OF HIGHWAYS.] The Commissioners of Highways in the several towns of this State shall have the care and superintendence of highways and bridges therein, and it shall be their duty—

First. To keep the roads and bridges in their respective towns in repair and to cause the building of bridges when the public interest or necessity may require it.

Second. To lay out and establish roads, to regulate the roads already laid out, and to alter or vacate such roads as they or a majority of them shall deem proper as hereinafter provided.

Third. To cause such roads used as highways as have been laid out or dedicated to public use but not sufficiently described, and such as have been used for twenty years, but not recorded, to be ascertained, described and entered of record in the Town Clerk's office.

Fourth. To cause the highways and bridges which are or may be erected over streams intersecting highways, to be kept in repair, and to see that persons working or repairing the highways leave undisturbed all stones or other monuments marking sectional and other corners which may be in the public roads, repaired or worked by them.

Fifth. To take possession of and keep all scrapers, plows and other tools belonging to their towns wherever the same may be found and not allow the same to go to waste, and not lend the same except to persons employed by them to work the roads, by contract or otherwise.

Sixth. To purchase for use upon highways such necessary tools implements and machinery as they may think proper.

Seventh. To cause to be erected and kept in repair at the forks or crossing place of the most important public roads, a post and guide board, with plain inscription thereon, in letters and figures giving directions and distances to the most noted places to which such road may lead; to prevent thistles, burdock, cockle-burs, mustard, yellow-

dock, Indian mallow and gympson weed from seeding, and to extirpate the same so far as practicable; and to prevent all rank growth of vegetation in the public highway, so far as the same may obstruct public travel; and the said Highway Commissioners may at their discretion, sink and construct wells, with a suitable pump or other suitable fixture and a water-trough attached thereto and keep the same in repair for public use, for watering teams, at the intersection of the most important roads in their towns; and they may also adopt any other suitable and convenient mode of supplying water in troughs conveniently situated on the public highways for public use, at other points than at such intersections, and the cost of such improvements shall be paid out of the road and bridge fund of such town.

Eighth. To make out and deliver to their treasurer on or before the first day of May of each year, a list of able-bodied men in their town, between the ages of twenty-one and fifty years, and assess against each person upon such list the sum of two dollars as a poll tax for highway purposes, to be paid to such Treasurer by the first Monday in July of each year: *Provided*, That paupers, idiots, lunatics and such others as are exempt by law, shall not be compelled to pay a poll tax for highway purposes.

Ninth. Within thirty days after such list is delivered to each Treasurer to cause written or printed notice to be given to each person so assessed, notifying him of the time when and the place where such tax must be paid or its equivalent in labor performed.

Tenth. The Commissioners of Highways of each town shall render to the Board of Town Auditors at their annual meeting for auditing the accounts of town officers an account in writing stating: First, The amount of real estate and personal property tax received by them; Second, The sums received by them on account of poll tax; Third, All sums received by them for fines and commutations and from all other sources; Fourth, The amount expended by them for all purposes, specifying by items the date, purpose and amount of each expenditure, and to whom paid, with the vouchers for the same; Fifth, The names of the persons assessed for poll tax; Sixth, The names of all persons who have paid or worked out poll tax; Seventh, The names of persons who have been fined and the sums which they have been fined, and what fines remain unpaid.

Eleventh. If the amount as hereinbefore provided to be assessed as a poll tax shall not be paid nor the labor performed by the first Monday of July in such year or within ten days after notice is given after that time, it shall be the duty of the Highway Commissioners to, in the name of the town, bring suit therefor against such person, before some justice of the peace having jurisdiction.

§ 11. [JUSTICE TO ISSUE SUMMONS.] The justice to whom such complaint shall be made shall forthwith issue a summons, directed to any constable of the county, requiring him to summons such delinquent to appear within five days before such justice, according to law, for such refusal or neglect.

§ 12. [TRIAL.] On the day of trial the justice shall proceed to hear and determine the case according to law, for the offense complained of, and shall forthwith issue an execution under his hand and seal, directed to any constable of the county where such delinquent

shall reside, commanding him to levy such fine, with the costs of the proceeding of the goods and chattels of such delinquent.

§ 13. [FINE.] The constable to whom such execution shall be delivered, shall for[th]with collect the moneys therein mentioned. He shall pay the fine, when collected, to the justice of the peace who issued the execution, who is hereby required to pay the same to the Commissioners who entered the complaint, to be expended in improving the roads and bridges in their town.

§ 14. [CONTRACT—POLL TAX.] The Commissioners of Highways may contract with persons owing poll tax for road purposes to perform a certain amount of labor on any road or bridge in their town for the amount of such tax, and if the work is done within the time that the money should have been paid, the Commissioners shall give such person an order on their treasurer, which shall be received by him instead of the money.

§ 15. [MEETINGS OF COMMISSIONERS—OFFICERS.] At the first meeting of the Commissioners of Highways, after they shall have been duly elected and qualified, they shall proceed to choose one of their number as Treasurer. The Treasurer so chosen shall receive and have charge of all moneys raised in the town for the support and maintenance of roads and bridges. He shall hold such moneys, at all times, subject to the order of the Commissioners of Highways, and shall pay them over upon their order, or a majority of said Commissioners, and not otherwise. He shall execute bond with good and sufficient security, in such manner as the Supervisor and the Town Clerk shall determine, conditioned for the faithful discharge of his duties as such Treasurer, and that he will honestly and faithfully account for and pay over upon the order of the Commissioners of Highways all moneys that shall come to his hands by virtue of his said office; which bond shall be payable to the Supervisor of the town and his successor in office, and be approved by the Supervisor and Town Clerk and filed in the Town Clerk's office. They shall also choose at said meeting one of their number to act as general overseer of Highways in their township, whose duty it shall be to take charge of and safely keep all tools, implements and machinery belonging to said town, and shall in accordance with the direction of the board, have general supervision of all roads and bridges in their said town.

§ 16. [DEFACING GUIDE-BOARD, ETC.] For destroying or defacing any guide-board, post or mile-stone, or any notice or direction put up on any bridge or otherwise, the offender shall forfeit a sum not less than three dollars nor more than fifty dollars.

§ 17. [OBSTRUCTING ROADS—PENALTY.] If any person shall injure or obstruct a public road by falling a tree or trees in, upon or across the same or by placing or leaving any other obstruction thereon, or encroaching upon the same with any fence, or by plowing or digging any ditch or other opening thereon, or by turning a current of water so as to saturate or wash the same, or shall leave the cuttings of any hedge thereon, for more than five days, shall forfeit for every such offense a sum not less than three dollars nor more than ten dollars, and in case of placing any obstruction on the highway, an additional sum of not exceeding three dollars per day for every day he shall suffer

such obstruction to remain after he has been ordered to remove the same by any of the Commissioners of Highways, complaint to be made by any person feeling himself aggrieved: *Provided*, This section shall not apply to any person who shall lawfully fall any tree for use, and will immediately remove the same out of the road, nor to any person through whose land a public road may pass, who shall desire to drain his land, and shall give due notice to the Commissioners of such intention: *And provided further*, That any Commissioners, after having given reasonable notice (to the owners) of the obstruction, or person so obstructing or plowing or digging ditches upon such road, may remove any such fence or other obstruction, fill up any such ditch or excavation, and recover the necessary cost of such removal from such owner or other person obstructing such road aforesaid, to be collected by said Commissioners before any justice of the peace having jurisdiction.

§ 18. [INJURING OR OBSTRUCTING BRIDGE, ETC.] If any person shall purposely destroy or injure any sidewalk, public bridge, culvert or causeway, or remove any of the timber or plank thereof, or obstruct the same, he shall forfeit a sum not less than three nor more than one hundred dollars, and shall be liable for all damages occasioned thereby and all necessary costs for rebuilding or repairing the same.

§ 19. [SUIT TO RECOVER PENALTY.] All suits for the recovery of any fine or penalty under this act shall be brought in the name of the town in which the offense is committed, before any justice of the peace or police magistrate within the town, who shall have jurisdiction in such cases, to the extent of their jurisdiction in other cases; and it shall be the duty of Commissioners of Highways to seasonably prosecute for all fines and penalties under this act; but in case of a failure of said officers to so prosecute, complaint may be made by any person: *Provided*, Said person shall before bringing said suit in the name of the town, give a bond for costs, as is provided for in the case of non-residents.

§ 20. [FINES—HOW DISPOSED OF.] All fines recovered under the provisions of this act, unless otherwise provided, shall be paid over to the Commissioners of Highways of the town where the offense is committed, to be expended upon the roads and bridges in the town.

§ 21. [SIDEWALKS AND SHADE TREES.] It shall be lawful for the owner or occupants of land bordering upon any public road, to build sidewalks not to exceed six feet in width, and to plant shade and ornamental trees along and in such road, at a distance not exceeding one-tenth of the legal width of the road from its margin; and also to erect and maintain a fence, so long as shall be actually necessary for the purpose of raising a hedge on said margin, a distance of six feet from and within said marginal lines.

§ 22. [RIGHT TO MAKE CROSSING.] Any person owning, using or occupying lands on both sides of any public highway, shall be entitled to the privilege of making a crossing under said highway for the purpose of letting his cattle and other domestic animals cross said road: *Provided*, Said person shall erect at his own expense, a good and substantial bridge, with good railings on each side thereof, and build an embankment, of easy grade, on either side of said bridge;

said bridge to be not less than eighteen feet wide, and to be approved by the Commissioners of Highways of the town in which said bridge is built, and the same to be kept constantly in good repair, by the owner or occupant of said land, the construction subject always to the consent and approval of the Commissioners of Highways of said town: *And provided, further*, That in case such crossing is made on any water-way or natural channel for water and where a culvert or bridge is maintained as required for road purposes, said owners or occupants shall not be required to pay for or construct any more of said crossing than the additional cost of such crossing over and above the necessary cost of a suitable culvert or bridge for road purposes at such place.

§ 23. [WHEN OWNER MAY CONNECT FENCE, BRIDGE, ETC.] And where any bridge on a public road is constructed over a stream or body of water, where the depth or current of water, or the nature of of the bank or banks of such stream or body of water is such as to render a fence on the marginal line of the public road impracticable, or very expensive to construct and keep in repair, the owner of the land bordering on the public road shall have the right to connect the road fence on either or both banks of the stream or body of water, to said bridge or any pier or abutment thereof, or to any embankment or timber approach to said bridge: *Provided*, That no necessary ford across said stream or body of water shall be permanently obstructed thereby: *And provided, further*, That any such connecting fence shall be constructed by the consent and under the direction of the Commissioners of Highways of the town in which the bridge may be located.

§ 24. [WIDTH OF ROADS.] All public highways laid out by order of the Commissioners of Highways, or Supervisors, on appeal, shall be not less than fifty feet wide nor more than sixty feet wide: *Provided*, The Commissioners may lay out roads not less than forty feet wide nor more than sixty feet wide, when so prayed for by the petitioners, if such road does not exceed two miles in length: *And provided, further*, That all public roads shall be opened within five years from the date of the filing of the order laying out the same, or be deemed vacated.

§ 25. [NOTICE AGAINST FAST DRIVING ON BRIDGE.] The Commissioners of Highways of each town may, when they shall deem it advisable, put up and maintain, in conspicuous places, at each end of any bridge of such town, maintained at the public charge, a notice with the following words, in large characters: Five dollars fine for riding or driving on this bridge faster than a walk.

§ 26. [PENALTY FOR FAST DRIVING ON BRIDGE.] Whoever shall ride or drive faster than a walk, over any bridge upon which notice shall have been placed, and shall then be, shall be guilty of a misdemeanor, and, upon conviction, shall be fined for any such offense the sum of five dollars, (\$5.00.)

§ 27. (DITCHES.) The Commissioners of Highways of the several towns are hereby authorized to enter upon any land adjacent to any highway in their town for the purpose of opening any ditch, drain, necessary sluice or water course, whenever it shall be necessary to open a water course from any highway to the natural water

courses, and to dig, open and clean ditches upon said land for the purpose of carrying off the water from said highways, or to drain any slough or pond on said highway: *Provided*, That unless the owner of such land or his agent shall first consent to the cutting of such ditches, the Commissioners shall apply to any Justice of the Peace in the county in which such road is situated, for a summons directed to any constable of said county, commanding him to summon the said owner to appear before the said justice, at a time and place specified in such summons, not less than five nor more than fifteen days from the date thereof, for the purpose of having the damage assessed, which such owner may sustain by reason of the digging or opening of such ditches or drains. The said summons shall be under the hand of such justice, and be served in the same manner as a summons is now served in civil actions before justices of the peace. On the return of such summons, a venire shall be issued for a jury, as in other cases in the trial of civil actions before justices of the peace, which jury shall assess such damages and render a verdict therefor, which shall be final and conclusive, of the amount of damages sustained by such person, and the amount so awarded shall be audited, levied and collected in the same manner provided in Section 14, Article 17, of the township organization law, and the Commissioners of Highways shall be warranted, and are hereby empowered to enter such lands and dig, open, and clean such drains, ditches and water courses as aforesaid for the purposes contemplated in this act, and are further authorized to use and employ the road labor and money of their town for such purposes: *Provided*, That in case the owner of said lands is a non-resident service may be had by leaving a copy with the occupant or agent, or by notice in the same manner as prescribed in section 41 of this act.

§ 28. [ALTERING, WIDENING, VACATING AND LAYING OUT ROADS.] The Commissioners of Highways may alter, widen or vacate any road, or lay out any new road in their respective towns, when petitioned by any number of freeholders, not less than twelve, residing within three miles of the road so to be altered, widened, vacated or laid out.

§ 29. [PETITION.] Said petition shall set forth in writing, a description of the road, and what part thereof is to be altered, widened or vacated, and if for a new road, the names of the owners of lands, if known, and if not known it shall be so stated, over which the road is to pass, the points at or near which it is to commence, its general course, and the place at or near where it is to terminate.

§ 30. [POSTING COPY OF PETITION—PROOF.] Whenever any such number of freeholders determine to petition the Commissioners of Highways for the alteration, widening or vacation of any road, or laying out any new road, they shall cause a copy of this petition to be posted up in three of the most public places in the town in the vicinity of the road to be laid out, altered, widened or vacated, at least twenty days before any action shall be had in reference to such petition. The posting of any notice required by this act may be proved by the affidavit of the person posting the same, or by other legal evidence.

§ 31. [TIME OF MEETING TO EXAMINE TO BE FIXED—NOTICE.] Whenever the Commissioners of Highways shall receive any such

petition with the proof of the posting of copies, as in the next preceding section specified, they shall fix upon a time when and where they will meet to examine the route of such road, and to hear reasons for or against the altering, widening, vacating or laying out the same, which meeting shall be within twenty days after the expiration of the twenty days required for the posting of the copies of the petition in the next preceding section, and they shall give at least ten days' notice of the time and place of such meeting, by posting up notices in three of the most public places in the township, in the vicinity of the road to be widened, altered or vacated.

§ 32. [ADJOURNMENT—DECISION—PROCEEDINGS THEREON.] The Commissioners may, by public announcement, and by the posting of a notice at the time and place named for the first meeting, adjourn the meeting from time to time, but not for a longer period than twenty days in all; and shall, at the first or such adjourned meeting, within said twenty days, decide and publicly announce whether they will grant or refuse the prayer of the petition, and shall indorse upon or annex to the petition a brief memorandum of such decision, to be signed by the Commissioners. Such decision shall be subject to revocation, in case the prayer of the petition is granted, in the manner hereinafter provided. In case the Commissioners refuse to grant the prayer of the petition, they shall, within ten days thereafter, file the same, so indorsed or with such decision annexed thereto, in the office of the Town Clerk.

§ 33. [IN CASE OF VACATION OF ROAD.] If the petition is simply for the vacation of a road, and the Commissioners of Highways, or a majority of them, shall, at such meeting decide that the prayer of the petitioners should be granted, they shall order such road to be vacated, —a copy of which order, together with the petition, shall be by them filed with the Town Clerk, such order to be so filed within ten days after the date of such decision.

§ 34. [WHEN FOR LAYING OUT, ALTERING, OR WIDENING ROAD.] If such petition is for the establishment of a new road, or the alteration or widening of an existing road, and the Commissioners of Highways or a majority of them, shall be of the opinion that the prayer of the petitioners should be granted, they shall cause a survey and plat of such road to be made by a competent surveyor, who shall report such survey and plat to said Commissioners, giving the courses and distances, and specifying the land over which said road is to pass—in which they may make such changes between the termini of the road described in the petition as the convenience and interest of the public, in their judgment, may require.

§ 35. [DAMAGES TO BE ASCERTAINED.] They shall [al]so before they order any road to be established, altered, widened or vacated, ascertain as hereinafter provided, the aggregate amount of damages which the owner or owners of land over which the road is to pass shall be entitled to, by reason of the location, alteration or vacation of such road: *Provided, however*, that in case an appeal is taken from the assessment of damages before the Justice of the Peace, the Commissioners may in their discretion, make an order laying out, widening, altering or vacating such road, either before or after such appeal is determined, in the manner hereinafter provided.

§ 36. [DAMAGES MAY BE AGREED UPON.] The damages sustained by the owner or owners of the land, by reason of the establishment, alteration, widening or vacation of any road, may be agreed upon by the owners of such lands, if competent to contract, and the Commissioners of Highways, or they may be released by such owners—in which case the agreement or release shall be in writing, and shall be filed and recorded with the copy of the order establishing or altering such road, in the Town Clerk's office and shall be a perpetual bar against such owners, their grantees and assigns, for all further claims for such damages.

§ 37. [SUMMONING JURY TO ASSESS DAMAGES.] In case such damages are not released or agreed upon as in the preceding section specified, the Commissioners of Highways shall within twenty days from the date of the meeting at which it was decided to grant the prayer of the petition, make a certificate that they are about to establish, widen, vacate or alter a public road describing such road, vacation, widening or alteration, and the land over or on which such road is to be established, altered, widened or vacated, and naming the owners of such lands, if known, and if not known stating the fact, and asking for a jury to assess the damages of such owners, and shall present such certificate to some Justice of the peace of the county, who shall summon a jury of twelve persons, having the qualifications of jurors, the same as other juries are summoned in civil actions before Justices of the Peace, to appear before such Justice of the Peace at a time to be fixed by him, within ten days from the time such certificate was presented to him, to assess such damages.

§ 38. [NOTICE TO OWNERS.] The Commissioners of Highways, shall also notify each and every owner of land—if known and a resident of the county—whose damages are to be assessed, that they will apply to some Justice of the Peace of the county (giving the time when and the place where) to have a jury impaneled to assess such damages.

§ 39. [SUMMONING JURY TO ASSESS DAMAGES.] Upon the presentation of such certificate by the Commissioners of Highways, the Justices of the Peace shall forthwith issue a venire directed to any constable of the county to summons twelve persons having the qualifications of jurors to appear at such time and place as may be designated for the trial of such cause, whose competency shall be determined the same as in other civil cases before Justices of the Peace.

§ 40. [CHALLENGE OF JURY.] At the trial of the case either party shall have the right of challenge as in other cases; and any deficiency in the number of jurors from whatever cause, shall be supplied by summoning other persons residing in the township, or in an adjoining township, in the same manner as in a civil case. Such Justice of the Peace shall notify the owners of such land mentioned in such certificate to appear at the same time before such Justice to prove their damages.

§ 41. [NOTICE TO UNKNOWN OWNERS.] In case it shall appear either from the certificate of the Commissioners, the affidavit of any person, or the return of any officer to whom the notice may be delivered for service that there are non-resident or unknown owner or own-

ers who cannot be found and served within the county, such Justice shall also cause notice to be posted in three of the most public places in the vicinity of such proposed road or alteration, at least six days before the time fixed for the appearance of such jury, stating when such jury is to be empaneled by him, and describing the road to be established, altered, widened, or vacated as petitioned for, and the lands for which damages are to be assessed.

§ 42. [SERVICE OF NOTICE.] The notice to such owners of land may be served by any constable at least five days before the time of appearance. If any such owner is an infant, such summons shall be served by delivering a copy to the infant, or its guardian, if any; if no guardian, the person with whom he or she resides. If any owner is a lunatic or habitual drunkard, having a conservator, or insane, by delivering a copy to his conservator if any; if any such owner is a married woman, by delivering a copy to her.

§ 43. [OATH OF JURY—TRIAL.] The jury shall appear before and be sworn or affirmed by such justice faithfully and impartially to assess the damage of each of the owners specified in such certificate, or those of them whose claims are then to be adjusted, according to law to the best of their judgment and understanding; and all parties in interest shall be entitled to subpoenas and other writs and papers, and the trial shall be conducted as in other civil cases.

§ 44. [TRIAL—JUDGMENT.] The jury shall hear such lawful evidence touching the question of such damages as may be presented to them; and shall also, on request of a majority of the Road Commissioners or owners of lands whose damages are to be determined, in a body visit and examine the proposed location, alteration, widening or vacation of such road, and the lands to be taken and affected thereby, and make a written verdict specifying the amount of damages if any, which each such owner shall recover, and return the same to such Justice, to be by him entered on his docket in the nature of a judgment, to be paid by such Commissioners, together with the costs of such suit, in case they shall finally determine to establish, alter widen or vacate such road; and the money therefor shall be paid by the town, out of the funds in the hands of the Treasurer of the Commissioners of Highways, raised for road and bridge purposes: *Provided*, That in estimating the damages, the jury may consider the benefits conferred or may disregard such benefits; but no benefits enjoyed in common by the owners of surrounding property shall be considered in estimating damages.

§ 45. [SEPARATE TRIALS—CONTINUANCE.] *Provided*, That when there are several such owners the jury may assess the damages, of one or more or all of them at the same time, or they may assess such damages at different times, or there may be different juries and trials at different times for different owners if any owner shall demand a separate trial; and any such assessment of damages may be continued from time to time for good cause, with the like effect as continuances in other cases before Justices of the Peace.

§ 46. [FINAL DECISION OF COMMISSIONERS—NOTICE.] Within thirty days after the total amount of damages shall have been ascertained, either by release or agreement of the parties, or by assessment before

a Justice of the Peace and a jury, in the manner hereinbefore provided, the Commissioners shall hold a meeting to finally determine upon the laying out, altering, widening or vacation of such road, of which meeting said Commissioners shall give public notice, by causing not less than three notices thereof to be posted in public places within the town, at least five days prior thereto.

§ 47. [COMMISSIONERS MAY REVOKE PROCEEDINGS.] In cases where the damages are not wholly released or agreed upon, and the Commissioners shall be of the opinion that the damages assessed by the jury are manifestly too high and that the payment of the same would be an unreasonable burden upon the tax-payers of the town, the Commissioners may revoke all proceedings had upon the petition by a written order to that effect; and such revocation shall have the effect to annul all such proceedings and assessments, releases and agreements, in respect to damages growing out of the proceedings, upon the petition: *Provided*, Upon the final determination of the Commissioners of Highways, or the Supervisors, upon appeal being determined, and a copy of all such proceedings being filed in the town clerk's office, no other proceeding, shall be had by the Commissioners of Highways, nor any petition entertained in regard to the same road or petition for one year from the date of filing such copies of proceedings.

§ 48. [WHEN COMMISSIONERS DO NOT REVOKE PROCEEDINGS.] In case the Commissioners shall not revoke such prior proceedings they shall make an order, to be signed by them declaring such road so altered, widened or laid out a public highway, and which order shall contain or have annexed thereto a definite description of the line of such road, together with a plat thereof. The Commissioners shall within ten days from the date of such order, cause the same together with the report of the surveyor, the petition and releases or agreements in respect to damages, to be deposited and filed in the office of the Town Clerk, who shall note upon such order the date of such filing. It shall be the duty of such Clerk, after the time for appeal to Supervisors has expired, and in the case of such appeal, after the same shall have been determined, in case the prayer of the petition is granted, to record such order, together with the plat of the surveyor, in a proper book to be kept for that purpose.

§ 49. [WHEN DAMAGES RELEASED OR AGREED UPON.] In cases where the damages claimed by the land-owners for the right of way is released, or is agreed upon between the land-owners and Commissioners, the Commissioners may, at their first meeting or at any adjourned meeting, examine the route of the road, and cause a survey thereof to be made, and make their order establishing, altering, widening or vacating the road, according to the prayer of the petition, and return the same within the time and in the manner specified in this act.

§ 50. [INDUCEMENTS MAY BE OFFERED.] Any person or persons interested in the establishment, alteration, widening or vacation of any road in this State, are hereby authorized to offer inducements to the Commissioners of Highways for the establishment, alteration, widening or vacation of any such road, by entering into contract with said Commissioners, conditioned upon such establishment, alteration widening or vacating, to pay money or other valuable

thing to the town for the benefit of the road and bridge funds of the same; or to perform any labor, or to construct any road, bridge or culvert on any road with [which] said person or persons desire to have established, widened or altered. And such contracts, in writing, made with said Commissioners, shall be deemed good and valid in law, and may be enforced by said Commissioners or their successors in office, before any court having jurisdiction.

§ 51. [TOWN CLERK'S RECORD, ETC.—EVIDENCE—EFFECT OF SAME.] The records of the Town Clerk, or a certified copy of such record and papers, relating to the establishment, location, alteration, widening or vacation of any road, shall be *prima facie* evidence in all cases that all the necessary antecedent provisions had been complied with, and that the action of the Commissioners of Highways, or other persons and officers in regard thereto, were regular in all respects.

§ 52. [PRIVATE ROADS.] Roads for private and public use, of the width of three rods or less, may be laid out from one dwelling or plantation of an individual to any public road, or from one public road to another, or from one lot of land to another, or from a lot of land to the highway, on petition to the Commissioners of Highways by any person directly interested. The Commissioners, on receiving such petition, shall have power to lay out the road as asked for therein, to which end they shall proceed and examine into the merits of the case, and shall be governed in their proceedings by the rules and regulations prescribed in this act in relation to public roads. The jury shall consider the damages that may result to parties from said proposed road, and shall assess the damages to each individual owner of lands affected thereby. The amount of such damages shall be paid by the persons benefited thereby to the extent and in proportion that they are benefited, to be determined and declared by the jury. The remainder of the amount of damages over and above that to be paid by the parties as aforesaid, shall be paid by the land as in other cases. The amount of damages to be paid by individuals shall be paid to the parties entitled thereto before the road shall be opened for use. An appeal may be taken on the question of the propriety and necessity of such road as in other cases.

§ 53. [LIMITATION ON TIME TO OPEN.] If such private road or cartway shall not be opened by the petitioners or other assigns within two years from the time of making the order for the location of the same, such order shall be regarded as rescinded.

§ 54. [CROPS—FENCES.] When such private road or cartway is proposed to pass over inclosed lands the owners of such lands shall have a reasonable time, not exceeding eight months, to be designated by the Commissioners of Highways, to harvest crops and remove fences which may be on such lands before such road or cartway shall be opened.

§ 55. [PAYMENT FOR WORK ON PRIVATE ROADS.] The Commissioners of Highways may, in their discretion, pay persons who live on or have private roads which are used by the public, for work done on such roads; but in no case shall they be allowed more than the amount of their road tax for the year in which the work is done.

§ 56. [ROADS ON TOWN AND COUNTY LINES.] Public roads may be

established, altered, widened or vacated on township or county lines, or from one township into another, in the same manner as other public roads except that in such case a copy of the petition shall be posted up in and presented to the Commissioners of Highways of each town interested, said petition to be as in other cases, and signed by not less than twelve freeholders residing in either county within three miles of the road so to be altered, widened, located or laid out; whereupon it shall be the duty of the Commissioners of Highways of the several towns to meet and act as one body, in the same time and manner as in other cases, in considering the petition, viewing the premises, adjusting damages and making all orders in reference to such proposed road alteration, widening or vacation, and a majority of all such Commissioners must concur in all such orders; and a copy of all final orders and plats and papers shall be filed and recorded in each of the counties and towns interested.

§ 57. [COMMISSIONERS MAY ALLOT TO EACH TOWN PART OF ROAD.] The Commissioners of Highways shall also, in case a new road is established allot to each of such towns the part of such road which each of such towns shall open and keep in repair, and the part so allotted shall be considered as wholly belonging to such town. They shall also divide the expenses and damages which may accrue from such location, widening or alteration, and if they cannot agree, they shall refer the matter to three disinterested freeholders, as arbitrators, whose decision shall be final.

§ 58. [APPEAL.] Any person or persons interested in the decision of the Commissioners of Highways in determining to or in refusing to lay out, alter, widen or vacate any road or revoking any previous order or decision relative to any road, or from the verdict of any jury in assessing damages in opening, altering or vacating any road, may appeal from such decision to three Supervisors of the county, outside of the town in which such road or proposed road is located, by giving a written notice of such appeal to said Commissioners of Highways and to at least three of the petitioners within ten days after such decision has been filed in the office of the proper clerk; and shall also present a written petition to some justice of the peace of the county, asking for an appeal, and stating on what grounds such appeal is taken.

§ 59. [TRIAL OF APPEAL—POWER OF THE SUPERVISORS—APPEAL TO.] It shall be the duty of the justice of the peace to cause to be summoned three supervisors of the county to hear such appeal; and said supervisors shall fix upon a time and place when said appeal will be heard by them; and the person or persons appealing shall at least three days before such trial, give a written notice to the said Commissioners of Highways and to at least three of the petitioners of the time and place of said trial; and upon such appeal the said supervisors shall have the same power and authority that is by this act conferred on the Commissioners of Highways, not only in regard to the laying out, altering, widening or vacating any road, but shall have the same power to cause a jury to be called to assess damages, whenever the state of the proceedings require it, and the supervisors cannot agree with the owners of the land in regard to the same.

§ 60. [REPORT OF DECISION—COMPENSATION—EFFECT OF DECISION.]

And they shall make a report of their proceedings and decision in the case, and in like manner that is by this act required by the Highway Commissioners, and shall be entitled to two dollars and fifty cents per day; and their decision shall be final in regard to laying out, altering, widening or vacating such road, or in refusing to do the same, for one year after such decision.

§ 61. [COSTS OF APPEAL.] Any parties taking an appeal from the award of the decision of the Highway Commissioners, or the verdict of the jury, shall pay the cost of such appeal, in case the award of the decision of the Highway Commissioners, or the verdict of a jury is in all things sustained; and shall file a sufficient bond with the justice of the peace or town clerk before taking such appeal, guaranteeing such payment in such case.

§ 62. [A MAJORITY MAY DECIDE.] The decision of a majority of the Supervisors in any appeal case shall be taken as the decision of said Supervisors.

§ 63. [APPEAL WHERE ROAD IS ON TOWN OR COUNTY LINE.] When the Commissioners of Highways of one town disagree with the Commissioners of Highways of an adjoining town, in regard to the laying out of a new road, or the alteration, widening or vacation of an old road on any county or town line, appeals may be taken from such decision in the same manner as set forth in section 58 of this act: *Provided*, That when such decision is in regard to a road on a county line, two Supervisors and one Commissioner of Highways shall be selected from one county and two Commissioners of Highways and one Supervisor shall be selected from the other. The county from which the two Supervisors shall be selected shall be determined by the party or parties taking the appeal, and the Justice of the Peace shall issue his summons accordingly.

§ 64. [TOWN AND COUNTY LINE ROADS—HOW ALLOTTED, ETC.—WHAT DEEMED SUCH.] All roads heretofore laid out upon town or county lines, shall be divided, allotted and kept in repair in the manner as hereinbefore directed. Any public road that is or shall hereafter be laid out on a county or town line shall be held to be a road on a county or town line, although, owing to the topography of the ground along said county or town line, or at the crossing of any stream of water, the proper authorities, in establishing or locating such road may have located a portion of the same to one side of such county or town line.

§ 65. [STATE LINE ROADS.] Roads may be laid out and opened upon the line between this and any adjoining State, as provided in the preceding sections, whenever the laws of such adjoining State shall be applicable.

§ 66. [TOWN AND COUNTY LINE BRIDGES.] Bridges over streams which divide towns or counties, and bridges over streams on roads on county or town lines, shall be built and repaired at the equal expense of such towns or counties: *Provided*, That for the building and maintaining of bridges over streams near county or town lines, in which both are equally interested, the expense of building and maintaining any such bridges shall be borne equally by both counties or towns.

§ 67. [CONTRACTS IN REFERENCE TO SUCH BRIDGES.] For the pur-

pose of building or keeping in repair such bridge or bridges, it shall be lawful for the Commissioners of Highways of such adjoining towns or counties to enter into joint contracts, and such contracts may be enforced in law or equity, against such Commissioners jointly, the same as if entered into by individuals, and such Commissioners may be proceeded against, jointly, by any parties interested in such bridge or bridges, for any neglect of duty in reference to such bridge or bridges, or for any damages growing out of such neglect.

§ 68. [ENFORCEMENT OF SUCH CONTRACTS.] If the Commissioners of Highways of either of such towns, after reasonable notice in writing from the Commissioners of Highways of any other such towns, shall neglect or refuse to build or repair any such bridge when any contract or agreement has been made in regard to the same, it shall be lawful for the Commissioners so giving notice to build or repair the same and to recover, by suit, one-half [or such amount as shall have been agreed upon] of the expense of so building or repairing such bridge, with costs of suit and interest from the time of the completion thereof, from the Commissioners so neglecting or refusing.

§ 69. [EFFECT OF JUDGMENT ON SUCH CONTRACT.] Any judgment so recovered against the Commissioners of Highways of either of such towns, shall be a charge on such town, unless the court shall certify that the neglect of [or] refusal of such Commissioners was wilful or malicious, in which case only such Commissioners shall be personally liable for such judgment, and the same may be enforced against them in their personal and individual capacity.

§ 70. [COUNTY AID TO BUILD BRIDGE.] When it shall be necessary to build, construct or repair any bridge or road in any town, which would be an unreasonable burden to the same, the cost of which will be more than can be raised in one year by ordinary road taxes in such town, the Commissioners of Highways, shall present a petition to the County Board of the county in which such town is situated, praying for an appropriation from the county treasury to aid in the building, constructing and repairing of such bridge or road, and such County Board shall when one-half the necessary funds have been provided for by the town authorities appropriate the other half: *Provided*, That all unexpended surplus of any appropriation that may be granted under the provisions of this section shall be paid back into the county treasury.

§ 71. [VOTE TO BORROW MONEY TO BUILD BRIDGE—BONDS.] When it shall be necessary to build a bridge in any town which would require a larger sum of money to complete than is authorized to be raised by taxation under the constitution upon a single year's assessment, the Commissioners of Highways shall petition the Supervisor of the town to call a special town meeting to vote on the proposition "to borrow money to build a bridge" which said petition shall be signed by said Commissioners in their official capacity and by at least twenty-five freeholders of such town, and thereupon such petition shall be filed in the office of the Town Clerk of such town. Upon the filing of said petition, the Supervisor shall order the Town Clerk, by an instrument in writing to be signed by him to post up in four of the most public places in said town, notices of such special town

meeting; which notice shall state the object, time and place of meeting, and the manner in which the voting is to be had, which shall invariably be, by ballot, and shall be "to borrow money to build a bridge," when the voter desires to vote in favor of that proposition, and "against the proposition to borrow money to build a bridge," when the voter desires to vote against said proposition. The special town meeting shall be held and returns thereof made in the same manner as other special town meetings are now or may hereafter be provided by law; and if it shall appear that a majority of the legal voters voting at said election shall be in favor of said proposition, the Supervisor and Town Clerk, acting under the direction of the Commissioners of Highways of said town, shall issue from time to time, as the work progresses, a sufficient amount in the aggregate of the bonds of said town for the purpose of building such bridge; said bonds to be of such denominations, bear such rate of interest, not exceeding ten per cent., upon such time, and be disposed of as the necessities and conveniences of said town officers require: *Provided*, That said bonds shall not be sold or disposed of for less than their par value, and such town shall provide for the payment of such bonds and the interest thereon by appropriate taxation.

§ 72. [RE-SURVEY AND PLAT OF ROAD.] Upon the petition of twelve freeholders, it shall be the duty of the Commissioners of Highways of each town within a reasonable time, to employ a competent surveyor and have any road or roads designated in such petition in their several towns re-surveyed, and plats thereof made, which plats and surveys shall be by them filed for record in the office of the Town Clerk: *Provided*, That this section shall not apply where the same has been already done, unless the exact location of such road is uncertain.

§ 73. [NEW ROAD NOT TO VACATE OLD ROAD UNLESS, ETC.] The establishment of a new road on the route of a road already established according to law, shall not vacate the road previously established, unless such vacation is prayed for in the petition, and so declared in the order establishing the new road.

§ 74. [CONTRACTS FOR BRIDGES.] The Commissioners of Highways of the several towns are hereby authorized to contract for the construction and repairing of roads, the building and repairing of bridges, in their respective towns, and they shall let such contracts by a public letting, on the first Monday of May A. D. 1878, and on the first Monday of May in each and every year thereafter, to the lowest responsible bidder, upon proper notice being given by posting copies of such notices in at least ten public places in their town, not less than ten days before the time of such public letting: *Provided*, The notices shall specify the amount and kind of work to be done, and the time in which it shall be completed: *Provided*, This section shall not be construed so as to prevent the letting of any contract at any other time than the first Monday in May, when necessity requires it, or if the Commissioners of Highways deem it to be to the interest of their town, they may, to an amount not exceeding twenty-five dollars, privately contract with persons as they deem best for putting and keeping roads and bridges in repair, but in no case shall such contracts exonerate such Commissioners from liability for failure to keep such roads and bridges in repair: *Provided*, The legal voters of any town-

ship in the State in counties where township organization, has been, or may hereafter be adopted, may by a majority vote by ballot at their annual town meeting provide that the road tax assessed by the Commissioners of Highways under the provisions of this act may be paid in labor under such rules and regulations as said Highway Commissioners may adopt.

§ 75. [MAY REJECT ALL BIDS.] At such public letting, as provided for in the preceding section, the Commissioners of Highways shall have the right to reject any and all bids if they deem it to the best interests of the town, and no contract shall be considered as let unless the contractor shall, within ten days after the letting enter into contract and file a bond with two good and sufficient sureties with the Commissioners in the penal sum of double the value of the amount of the contract, payable to the Commissioners of Highways of the town, upon failure to comply with the conditions of his or their contract.

§ 76. [CONTRACTS—HOW MADE PAYABLE.] All contracts for the building or opening of any road, building or repairing of any bridge shall be made payable as soon as the same is accepted by a majority of the Commissioners of Highways, and it is hereby made the duty of the Clerk of the Board of Commissioners to draw his order on the Treasurer for the amount of such contract, which order shall be countersigned by the general overseer of highways. All contracts for the keeping of roads in repair during one year are hereby made payable quarterly, upon the presentation by the contractor to the Clerk of the Board of Commissioners, the certificate of the general township overseer of highways, that the road or section embraced in the contract has been by him inspected, that the same is in good repair, and that the contractor has complied with all the requirements of his contract.

§ 77. [ORDERS RECEIVED FOR TAXES.] *Provided*, That the collector of taxes shall receive from any tax-payer in payment of said tax-payer's road and bridge tax, any order of the Commissioners of Highways on their Treasurer, for work done on or material furnished, for the construction or repairs of the highways or bridges, in any sum not to exceed the amount of such person's road and bridge tax then due.

§ 78. [REMOVAL OF FENCES.] Whenever a public road is ordered to be established or altered, according to the provisions of this act, which road shall pass through or on inclosed land, the Commissioners of Highways shall give the owner or occupant of such land sixty days' notice in writing to remove his fences. If such owner or occupant does not remove his fence within sixty days after such notice, the Commissioners shall cause the same to be removed, and direct the road to be opened and worked; and such owner shall forfeit to such Commissioners the sum of one dollar for every day he shall permit his fence to remain after the expiration of said sixty days, and shall pay all necessary cost of removal, to be collected by said Commissioners before any Justice of the Peace having jurisdiction.

§ 79. [COMPENSATION OF COMMISSIONERS.] The Commissioners of Highways shall receive for their services the sum of one dollar and fifty cents per day for each day necessarily employed in the performance

of their duties, the same to be audited by the Town Auditors, and paid out of the town funds.

§ 80. [ROAD TO BE OPENED IN FIVE YEARS.] All highways laid out by order of the Commissioners or Supervisors, on appeal, shall be opened within five years from the time of laying out the same. If not opened within the time aforesaid, the same shall be deemed to be vacated.

§ 81. [TAX OF TOWN OR VILLAGE, ETC.—HOW PAID—HOW EXTENDED.] First—The Commissioners of Highways of each town shall annually ascertain as near as practicable how much money must be raised by tax on real and personal property for the making and repairing of roads, only, to any amount they may deem necessary, not exceeding forty cents on each one hundred dollars' worth as valued on the assessment roll of the previous year, and certify the same as hereinafter provided: *Provided*, That the tax on the property, levied for road purposes, lying within an incorporated village, town or city, in which the streets and alleys are under the care of the corporation, shall be paid over to the treasurer of such village, town or city to be appropriated to the improvement of roads, streets and bridges, either within or without said village, town or city and within the township, under the direction of the corporate authorities of such village, town or city; *Provided further*, that when any of said tax is expended beyond the limits of said village, town or city, it shall be with the consent of the road commissioners of the township.

Second—They shall annually ascertain, as near as practicable, how much money must be raised by tax on real and personal property, for the making and repairing of bridges, the payment of damages, by reason of the opening, altering and laying out of new roads, the purchase of the necessary tools, implements and machinery for working roads; the purchase of the necessary materials for the building or repairing of roads and bridges during the ensuing year; and for the payment of any outstanding orders drawn by the commissioners on their treasurer, and shall levy a tax on all the real and personal property in said town not exceeding forty [40] cents on the one hundred dollars [\$100]. And they shall give to the supervisor of the township, and in Cook county to the county board, a statement of the amount as hereinbefore provided for, necessary to be raised, signed by said commissioners or a majority of them, on or before the Tuesday next preceding the annual September meeting of the board of supervisors, or the county board of Cook county, who shall cause to be submitted to said board for their action at such September meeting of said board, and said board shall cause the same to be extended on the tax books.

§ 82. [TAX TO BE EXTENDED IN SEPARATE COLUMNS.] According to the amount certified as aforesaid, the County Clerk, when making out the tax books for State and county taxes for the collector, shall extend the necessary tax in a separate column against each taxpayer's name, or taxable property, as other taxes are extended, which shall be collected the same as State and county taxes.

§ 83. [CERTIFICATE OF TAX LEVIED.] It shall be the duty of the County Clerk to make out and deliver, on demand, to the Treasurer of the Commissioners of Highways a certificate of the aggregate amount of tax so levied and placed upon the tax books.

§ 84. [TO WHOM TAX PAID WHEN COLLECTED.] The tax so collected shall be paid to the Treasurer of the Commissioners of Highways, (except as provided in the first clause of section 81 of this act) by the collector as fast as the same is collected, except such rate per cent. as shall be allowed for collecting the same.

§ 85. [LIST OF TAX PAYERS TO BE FURNISHED CLERK.] The Commissioners of Highways shall furnish to the Clerk of the County Court, previous to the first day of October in each year, a list of tax-payers (alphabetically arranged) of each township.

§ 86. [HOW TAX TO BE USED.] Any tax or moneys collected by the township, or county collector of the various counties for road and bridge purposes under the provisions of an act entitled "An act in regard to roads and bridges," approved April 10, 1872, shall be paid by said collectors to the Treasurer of Commissioners of Highways. Said money shall be used by said Commissioners in improving the roads and bridges in their respective towns.

§ 87. [PENALTY FOR NEGLECT OF DUTY.] If the Commissioners of Highways shall refuse or neglect to perform any of the duties enjoined on them by this act, they shall severally forfeit not less than ten dollars nor more than fifty dollars, and may be proceeded against, severally or jointly, for the recovery of such forfeiture before any Justice of the Peace in the proper county having jurisdiction.

§ 88 [SAVING CLAUSE.] That an act entitled "An act in regard to roads and bridges," approved April 10, 1872, and in force August 15, 1872, so far as the same relates to counties under township organization, and also all other acts and parts of acts inconsistent herewith, be and the same are hereby repealed: *Provided*, That the repeal of said act shall not affect any suit or proceeding pending, or impair any right existing, at the time this act shall take effect.

§ 89. [REPEAL.] That any act or part of act inconsistent with this act, be and the same is hereby repealed.

APPROVED May 26, 1877.

PRIVATE ROADS AND CARTWAYS.

§ 16. Private Roads and Cartways.

AN ACT to amend section sixteen (16) of an act in regard to gateways, roads and bridges in counties not under township organization, approved and in force April 18, 1873. Approved May 25, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section sixteen (16) of an act in regard to gateways, roads and bridges in counties not under township organization approved and in force April 18, 1873, be so amended as to read as follows:

§ 16. [PRIVATE ROADS AND CARTWAYS.] Roads for private and public use of the width of three rods or less may be laid out from one

dwelling or plantation of an individual to any public road or from one public road to another or from a lot of land to the highway on petition to the County Board by any person directly interested setting forth in writing a description of the road, the names of the owners of the lands if known, and if not known it shall be so stated over which the road is to pass the point at which it is to terminate. The petitioner or petitioners shall also give to each person residing in the county over whose land such cartway is desired to pass at least twenty days' notice of the intention to present such petition and shall also twenty days before the time for the presentation of such petition post such notice on the court house door in such county. The serving and posting of such notice may be proved by the affidavit of the person serving or posting the same or by other legal evidence. There shall also be deposited with the county clerk a sufficient sum of money to pay for viewing and surveying such cartway. The County Board may after hearing the objections to such petition, if any, appoint three disinterested freeholders to view the same and if such viewers or a majority of them shall be of opinion that the prayer of such petitioner or petitioners should be granted they shall cause a survey and a plat of such cartway to be made by a competent surveyor, who shall report such survey and plat giving the course and distances and specifying the land over which the said cartway is to pass. And if after hearing the objections to such report if any, the Board shall be of opinion that such cartway is necessary and right, an order shall be made establishing the same; *Provided*, That if any owner of land shall object to the opening of such road the same shall not be opened by the person or persons desiring the same until such owner objecting shall be paid all the damages to be sustained by the opening thereof, and in case the parties cannot agree on the amount of damages, the same shall be ascertained by jury as in other cases and the damages being paid on final decision or a sufficient sum deposited with the Board for that purpose, the petitioner or petitioners their heirs and assigns shall have the right to open such cartway and the same shall be kept open for public use; *Provided*, That if such cartway shall not be opened by the petitioner or petitioners their heirs or assigns the full width established within two years from the time of making the order for the location of the same such order shall be regarded as rescinded. *And provided*, also, that if such petitioner or petitioners their heirs or assigns shall fail to keep such cartway in sufficient repair for use as such or shall suffer the same to become useless or when such road or cartway shall no longer be necessary then the right of way thereto shall revert to the owner or owners of the freehold. And the Board may upon the petition of such owner or owners enter an order vacating such cartway. An appeal may be taken from the final order of such Board either in establishing or vacating such cartway within such time and upon such terms as the Board may direct.

APPROVED May 25, 1877.

ROAD LABOR, ETC.

§ 37. Road labor—Tools—Fine—Emergency.

AN ACT to amend section 37 of an act entitled "*An act in regard to gateways, roads and bridges in counties not under township organization,*" approved and in force April 18, 1873. Approved and in force May 24, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* section 37 of an act entitled "*An act in regard to gateways, roads and bridges in counties not under township organization,*" approved and in force April 18, 1873, be amended so as to read as follows :

§ 37. [ROAD LABOR—TOOLS—FINE—EMERGENCY.] It shall be the duty of each supervisor in counties not levying for road purposes, a tax only,—when the county board shall have fixed upon and caused to be entered on their record a stated number of days' labor that each able-bodied man, between the ages of twenty-one and fifty years, shall perform on the public roads in such counties during the year to fix upon a day or days for working the roads in his district. The supervisor shall have power to distribute the road labor of his district to different times within the year. He shall notify each person subject to road labor in his district of the number of days' labor due from such person for the year; of the day or days fixed on by him for working the roads; the number of days' labor such person is, at the time required to perform; the place, day and hour of meeting to commence such labor, and what kind of tool to bring, which notice shall be given by the supervisor verbally, or by written or printed notice or by a person appointed by the supervisor to give such notice; in which latter case the notice shall be written or printed and signed by the supervisor. Such notice shall be given at least three days before commencing such road labor. Any person neglecting or failing to attend at the time and place indicated in the notice and to do and perform the number of days' work due from him on the roads as may be stated in such notice,—after having been notified as above required—either by himself or a substitute equally as able as himself shall be accounted a delinquent road laborer, and shall pay to the supervisor the sum of one dollar and fifty cents for each day he may be delinquent in such road labor. If any person while discharging his road labor, be idle, or do not work diligently, or be turbulent or interrupt or hinder other hands or disobey the supervisor, power is hereby given, and it shall be the duty of the supervisor to discharge such person from the road, and for the residue of the time with which he is chargeable, he shall pay to the road supervisor the rate of one dollar and fifty cents per day. If any person owing road labor, shall fail to perform the same after he shall have been notified, as provided by this act, or who has been discharged by the supervisor for cause mentioned in this act and shall neglect or refuse to pay the amount required to be paid by this act for non-performance of such road labor he shall be fined in a sum not exceeding fifty dollars and not less than double the amount which shall appear to be due from him for road labor.

It shall be the duty of the road supervisor within six days after default has been made by such delinquent road laborer, to make com-

plaint under oath before any justice of the peace in his county against such person as a delinquent road laborer—unless good reason be, [shown] why such complaint should not be made—and such justice of the peace shall thereupon issue his warrant to any constable of his county against such delinquent road laborer, and shall, upon his arrest, proceed to hear and determine the cause according to law: *Provided*, That such delinquent road laborer may be discharged from custody upon paying the cost of suit and entering into bond with good and sufficient security in double the amount of such fine, to be approved by the justice of the peace, conditioned that such delinquent road laborer shall within thirty days from the date thereof discharge such fine in money or in road labor under the direction of the supervisor. All moneys collected under the provisions of this act shall be paid to the supervisor and reported by the supervisor to the county board and shall be applied, by order of the county board in the road district entitled thereto.

§ 15. [OPENING OF NEW ROAD—NOTICE.] Whenever a new road shall be located, the County Commissioners shall immediately cause the supervisors of each district through which such road shall pass to be notified of such location; and it shall be the duty of such supervisors to open such road within their respective districts, and keep the same in repair so far as the labor of the persons bound to work on said road shall enable them, and if such labor be insufficient, the County Commissioners shall cause the same to be cut out and opened at the expense of the county, whenever, in their opinion, the funds of the county will justify such expense, and after being so opened, the same shall be kept in repair by the supervisors, as in other cases: *Provided*, No new road shall be considered located nor be opened until the costs of condemning the land for such road shall have been ascertained as provided in section 23 of this act, and paid.

Whereas the law is inadequate to enforce road labor in many of the counties in this State, therefore an emergency exists and this act shall take effect and be in force from and after its passage.

APPROVED May 24, 1877.

SCHOOLS.

§ 24. Trustees—Qualifications of.

§ 33. Division into districts—Map—Alterations—Distribution of funds and property—Failure of Trustees—Damages Appraisement—Duty of County Clerk to correct list.

AN ACT to amend sections 24 and 33 of an act entitled "An act to establish and maintain a system of Free Schools," approved April 1, 1872. Approved May 23, 1877. In force July 1, 1877.

SECTION 1. [TRUSTEES—QUALIFICATIONS OF.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That*

sections 24, and thirty-three (33) of an act entitled "An act to establish and maintain a system of free schools," approved April 1st, 1872, be and the same hereby is amended to read as follows:

§ 24. No person shall be eligible to the office of trustee of schools, unless twenty-one years of age, and a resident of the township. And where there are three or more school districts in any township, no two trustees shall reside, when elected, in the same school district.

§ 33. [DIVISION INTO DISTRICTS—MAP—ALTERATIONS, ETC.] Trustees of schools in newly organized townships, shall lay off the township into one or more districts, to suit the wishes and convenience of a majority of the inhabitants of the township, and shall prepare, or cause to be prepared, a map of the township, on which map shall be designated the district or districts to be styled, when there are more than one, District No. —, in Township No. —, Range — of the — P. M. (according to the proper numbers), county of — and State of Illinois, which districts they may change at any regular meetings, upon the following conditions: *First.* Upon petition of a majority of the legal voters of the districts affected by the proposed change, the trustees of a township may change the boundaries, of any district lying wholly therein, or establish a new district or districts out of said territory, as the case may be. *Second.* Upon a like petition, school districts may be formed out of parts of two or more townships or fractional townships, in which case the trustees of schools of said townships shall concur in the formation of such districts. *Third.* Upon petition of two-thirds of all the voters in any territory, containing not less than five families, representing that they are not properly accommodated with school privileges, but will be by being added to another district, or formed into a new district, and upon petition of a majority of the voters of such other district, if any, it shall be the duty of the trustees of the township or townships in which such territory, or territory and district, are situated, to set off such territory; *Provided,* That such change shall not be made when the district, from which the petitioners desire to be severed has a bonded debt. *Fourth.* Upon petition of a majority of the voters of a district composed of parts of two or more townships, it shall be the duty of each of the boards of trustees of the several townships to provide for so much of the territory of said district as lies within their respective townships, by annexing said territory to a district, or to districts already formed, or by the creation of a new district or districts, which shall include said territory. *Fifth.* Upon petition of a majority of the voters of any district organized under a special act, and of the voters of other districts affected by the proposed change, trustees of the township or townships in which such district is situated shall change the boundaries of such district. *Sixth.* The board of school trustees are hereby granted discretionary powers in the matter of changing the boundaries of school districts, and in creating new districts, when petitioned by a majority of the legal voters to do so: *Provided,* That such legal voters shall have the right to appeal from the decisions of said board to the county superintendent of schools, whose duty it shall be to investigate the case upon such appeal, and if in his opinion the change asked is for the best interests of the district or districts concerned, he shall order the trustees to make such

change or changes, and his action shall be final and binding. *Seventh.* When the trustees of schools shall organize a new district under the provisions of this section, it shall be their duty before the meeting at which the new district or districts shall have been organized, to order an election to be held within fifteen days thereafter, at some convenient time and place, within the boundaries of such newly organized district, for the election of three school directors, notice being given by the township treasurer, who shall post up three notices of such election in three prominent places in said district, at least ten days prior to the time appointed for holding such election, which notices shall specify the place where such election is to be held, the time for opening and closing the polls, and object of said election. It shall be the duty of the legal voters present, five of whom shall constitute a quorum, to appoint three of their number, two of whom shall act as judges and one as clerk of said election. Within ten days after the election, it shall be the duty of the directors elected at said election, to meet at some convenient time and place, previously agreed upon by said directors, and organize as a district board, by appointing one of their number president, and also some suitable person clerk of the board, who shall by virtue of his office be clerk of the district. At this first meeting of the directors they shall draw lots for their respective terms of office for one, two and three years, each of which shall be considered a fractional term, ending at each annual meeting, according to the length of term drawn.

Whenever any changes, as provided in this section, are made, trustees of schools shall prepare, or cause to be prepared, a map of their township, showing the districts accurately; which map shall be certified by the President and Clerk of the board, and filed with and recorded by the County Clerk in a book kept for that purpose, to be paid for out of the county treasury. When a new district is formed from a part of a district, the trustees of a township or townships concerned shall proceed forthwith to make a distribution of any tax funds or other funds which are in the hands of the Treasurer, or to which the district may, at the time of such division, be entitled; so that both the old and new districts shall receive parts of such funds in proportion to the amount of taxes collected next preceding such division of the taxable property in the territory composing the several districts. If the new district be composed of parts of two or more districts, the trustees shall make distribution of said funds between the new district and the old district respectively, so that the new district shall receive a distribution of the funds of each of the old districts in the proportion which the amount of taxes collected from the property in the territory of new district bears to the whole taxes collected, next before the division, in the old district; and the town treasurers shall forthwith place the sums so distributed to the credit of the respective districts, and shall immediately place the proportion of the said funds to which said new district may be entitled to its credit on his books, and the funds on hand shall be subject at once to the order of the directors of the new district, and those not on hand, as soon as collected. The trustees of the township or townships concerned shall, at the time of the creation of a new district, or within the period of thirty days thereafter, proceed to the appointment of three appraisers,

who shall not be citizens of the township or townships interested. It shall be the duty of said appraisers, within thirty days after their appointment, to appraise the school property, both real and personal, of the district or districts interested, at their fair cash value.

Within thirty days after such appraisement, the trustees of the township or townships concerned shall proceed to charge the property to the district in which it may be found, and to credit the other district interested therein with its proportion of such valuation: *Provided*, That the *bona fide* debts, if any, of the old district, shall first be deducted and the balance charged and credited as aforesaid, and of the funds then on hand, or subsequently to accrue, belonging to such district to which such property is charged, the trustees shall direct the treasurer to place to the credit of the district not retaining said property its proportion of the value of said property. If trustees shall fail to observe the provisions of this section in reference to distribution of funds and property, they shall be individually and jointly liable to the district interested, in an action on the case, to the full amount of the damages sustained by the district aggrieved. Where trustees have heretofore failed to make distribution of property to districts as provided in this section, any district interested in the making of such distribution may, by its directors, request the trustees, in writing, to proceed to make such distribution; and said trustees shall proceed to make distribution in the manner herein prescribed and shall be liable in like manner for neglect or failure. Within ten days after any changes are made in district boundaries, whether by division, consolidation or otherwise, the township treasurer shall make a full record thereof in the record book of the trustees, and file a copy of said record together with a new map of the township, and a list of the tax-payers resident in each of the newly arranged districts, in the office of the County Clerk. Compliance with these requirements, within the said period of ten days, is hereby made essential to the validity of any alterations of district boundaries. If said copy of record, plat of township and list of tax-payers shall be filed, as aforesaid, in the office of the county clerk, within ten days after the October meeting of the trustees, the county clerk shall thereupon correct the lists required to be filed on or before the first Monday in September under section forty-four (44) of this act.

APPROVED May 23, 1877.

LEGALIZING SCHOOL DISTRICTS.

§ 1. Legalizing School District.

AN ACT to legalize school districts organized under the 33rd section of "An act to establish and maintain a system of free schools," approved April 1st, 1872. Approved May 25, 1877. In force July 1, 1877.

SECTION 1. [LEGALIZING SCHOOL DISTRICT.] *Be it enacted by the People of the the State of Illinois, represented in the General Assembly, That all School Districts which have been organized as such, under the provisions of section 33, of "An act to establish and maintain a system of free schools for the State of Illinois," approved April*

1st, 1872, are hereby legalized, and such school districts shall be held and considered legally organized school districts for all purposes originally contemplated.

APPROVED May 25, 1877.

BORROWING MONEY.

§ 47. Borrowing money—Limit—Tax—Registered Bonds.

AN ACT to amend section forty-seven (47) of "An act to establish and maintain a system of free schools," approved April 1st, 1872. Approved May 11, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section forty-seven (47) of an act entitled "An act to establish and maintain a system of free schools," approved April first, 1874, be amended so as to read as follows:

§ 47. [BORROWING MONEY — LIMIT — TAX — REGISTERED BONDS.] For the purpose of building school houses, or purchasing school sites, or for repairing and improving same, the directors, by a vote of the people, at an election called and conducted as required in the forty-second (42) section of this act (a majority of the votes cast shall be necessary to authorize the directors to act) may borrow money, issuing bonds, executed by the officers, or at least two members of the board, in sums of not less than one hundred dollars (\$100), but the rate of interest shall not exceed ten per cent., nor shall the sum borrowed in any one year, exceed five per cent. (including existing indebtedness) of the taxable property of the district, to be ascertained by the last assessment for the State and county taxes previous to the incurring of such indebtedness, nor shall the tax levied in any one year for building school houses, exceed three per cent. of said taxable property, except to pay indebtedness contracted previous to the passage of this act. All bonds authorized to be issued by virtue of the power granted by this act, before being so issued, negotiated and sold, shall be registered, numbered, and countersigned by the school treasurer of the township wherein the school house of such district is, or is to be located. Such register shall be made in a "Bond Register" book to be kept for that purpose, and in this register shall first be entered the record of the election, authorizing the directors to borrow money, and then a description of the bonds issued by virtue of such authority, as to number, date, to whom issued, amount, rate of interest, and when due. All moneys borrowed under authority granted by this section shall be paid into the school treasury of the township wherein the bonds issued therefor are required to be registered, and upon receiving said moneys, the treasurer shall deliver the bond or bonds issued therefor, to the parties entitled to receive the same, and shall credit the funds received to the district issuing the bonds, and shall enter in the "Bond Register" the exact amount received for each and every bond issued, and when any such bonds are paid, the township treas-

urer shall cancel the same, and shall enter in the "Bond Register," against the record of such bonds the words, "Paid and canceled this — day of —, A. D. —," filling the blanks with the day, month and year, corresponding with the date of such payment.

APPROVED, May 11, 1877.

RENTING AND SALE OF SCHOOL LANDS.

§ 1. The renting and sale of School Lands.

AN ACT *regulating the renting and sale of school lands.* Approved May 25, 1877. In force July 1, 1877.

SECTION 1. [RENTING AND SALE OF SCHOOL LANDS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be lawful for the trustees of schools in townships in which section number sixteen or any other lands in lieu thereof remain unsold, or which has title to any other school lands whatsoever, may rent or lease the same for an annual rent, to be paid in money to the treasurer, by a written contract made by the President and Secretary, under the direction of the board, with the lessee or lessees, which contract shall be filed with the records of the board; and a copy of the same transmitted to the county Superintendent, and in case of any default in payment of rent, the said board of trustees shall at once proceed to collect the same by distress or otherwise as may be provided by law for the collection of rents by landlords. No lease taken under the provisions of this act, shall be for a longer term than two years, except where said lands are leased for the purpose of having permanent improvements made thereon as may be the case in cities and villages: *Provided*, that the provisions of this act shall not apply to cities having a population of over one hundred thousand inhabitants.

APPROVED May 25, 1877.

REPEALING ACTS.

§ 1. Repeals an act changing the boundaries of a school district.

AN ACT *to repeal an act entitled "An act to change the boundaries of School District Number three (3), in Township two (2), north range ten (10) West, in St. Clair county," approved, and in force February 16, 1865. Approved April 11, 1877. In force July 1, 1877.*

SECTION 1. [REPEAL OF ACT.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "An act to change the boundaries of School District Number three (3), in Township two (2), North Range ten (10), West in St. Clair county," approved and in force February 16, 1865, be and is hereby repealed.

APPROVED April 11, 1877.

SECRETARY OF STATE.

CERTIFIED COPIES OF LOST OR MISSING PAPERS.

§ 1. Lost or missing enrolled laws.

AN ACT to supply certain lost or missing papers in the State Archives, and to legalize certified copies thereof. Approved May 17, 1877. In force July 1, 1877.

WHEREAS, It has been discovered by the Secretary of State, in the process of arranging and indexing the papers on file in his office, that a number of the enrolled laws are missing from the files and supposed to be lost, and,

WHEREAS, it is very important the files should be complete, therefore:

SECTION 1. [SUPPLYING LOST OR MISSING ENROLLED LAWS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the Secretary of State be, and he is hereby authorized and directed to supply such missing enrolled laws with exact copies of the printed law or laws, authorized to be printed at the session which said law or laws were passed, which copy of the printed law shall be certified by the Secretary of State under his hand, and the seal of State, and such law or laws so made and certified shall be filed by said Secretary of State in lieu of the original law. Such certified copies, as aforesaid, are hereby legalized and in all respects shall have the same force and effect as the original enrolled law, and to certified copies thereof, due credit shall be given in all courts of law and equity the same as though made from the original law.*

APPROVED May 17, 1877.

STATE CONTRACTS.

RATES OF ADVERTISING BY THE STATE.

§ 1. Fixes the rate.

AN ACT fixing the rate of advertising by the State, and providing for the payment of the same. Approved May 21, 1877. In force July 1, 1877.

SECTION 1. [FIXES THE RATE.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the rates for all proclamations, advertisements, notices, proposals and other publications, made by any State officer, or other person or persons on behalf of the State, authorized to publish the same as may be from time to time required to be made by law, shall be as follows: For*

each line of nonpareil type of the length of the width of a newspaper column, the sum of ten cents for the first, and seven and one-half cents for each subsequent insertion; but when the lines shall be longer than as above stated, the same shall be paid for in proportion to such excess in length. The Governor shall have power to direct in what newspapers such publications shall be made, and they shall be paid for in the following manner, to wit: The parties who may have published such proclamations, advertisements, notices, proposals, or other publications, in the nature of an advertisement or publication required to be made by law, shall file with the Auditor of Public Accounts, a voucher, duly approved by the State officers or other persons authorized by law to order such publication to be made, and duly approved by the Governor; whereupon, the said auditor shall draw his warrant for the amount of such voucher or vouchers, on the State Treasurer, who shall pay the same out of any moneys in the treasury not otherwise appropriated by law.

APPROVED May 21, 1877.

ADVERTISING FOR PROPOSALS.

§ 3. Commissioners to Advertise—Proposals—Contract to be for two years.

AN ACT to amend section three (3) of an act to revise the law in relation [to] State contracts. Approved March 31, 1874. In force July 1, 1874. Approved May 22, 1877. In force July 4, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That section three (3) of "An act to revise the law in relation to State contracts," approved March 31, 1874, be and is hereby amended so as to read as follows:*

§ 3. [COMMISSIONERS TO ADVERTISE—PROPOSALS.] Between the first Monday in July and the first Monday in August, A. D. 1878, the Commissioners of State Contracts shall advertise at Springfield in one of the daily papers published in that city, for proposals to furnish fuel to the State; and shall advertise at Springfield and Chicago in some one of the daily newspapers published in each of said cities, for proposals to furnish printing and other paper and stationery to the State; and shall advertise at Springfield, Chicago, Peoria, Quincy and Cairo, in some one of the daily newspapers published in each of said cities, for proposals to do the copying of the laws, journals, reports and other public documents of the State, and for the distribution of the same; for proposals to do the printing of the State, and for proposals to do the binding of the State. Each of said advertisements for proposals shall be published ten days from and including the date of its first publication, and shall give notice that sealed proposals, for furnishing the articles or performing the work required from the first Monday in November then next ensuing, until the thirtieth day of September, A. D. 1880, will be received at the office of the Secretary of State, on or before the first Monday of September next after the date of said notice. The advertisement shall also set forth specifically what will be required of bidders under this act, and such other particulars as the Commissioners

shall deem proper. Any advertisement may embrace propositions for bids for all or a part of the materials to be furnished and work to be done, but shall solicit separate bids for each class of articles to be furnished or work to be done, and each of such classes shall be let in a separate contract. In the month of July, 1880, and biennially thereafter, the said Commissioners of State Contracts shall advertise in the manner provided for, in this section, for proposals for furnishing the articles or performing the work herein specified, for the term of two years from the first day of October then next ensuing; and all contracts made and entered into under this act shall close on the thirtieth day of September of each second year after the time of taking effect.

APPROVED May 22, 1877.

STATE BOARD OF HEALTH.

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| 1. Appointment and term of officers. | 8. Books of births and deaths. |
| 2. Power of board. | 9. Forms. |
| 3. Charge of registration of births and deaths. | 10. Meetings of the board. |
| 4. Duty of Physicians—Penalty. | 11. Officers—Compensation. |
| 5. Reports of births and deaths. | 12. Annual report. |
| 6. Coroners—Reports of. | 13. Appropriation. |
| 7. Penalties—How disposed of. | 14. Rooms. |

AN ACT to create and establish a Board of Health in the State of Illinois. Approved May 25, 1877. In force July 1, 1877.

SECTION 1. [APPOINTMENT OF OFFICERS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the Governor, with the advice and consent of the Senate, shall appoint seven persons who shall constitute the Board of Health. The persons so appointed shall hold their offices for seven years. Provided, That the terms of office of the seven first appointed shall be so arranged that the term of one shall expire on the thirtieth day of December of each year; and the vacancies so created as well as all vacancies occurring otherwise, shall be filled by the Governor, with the advice and consent of the Senate. And provided also, That appointments made when the Senate is not in session, may be confirmed at its next ensuing session.*

§ 2. [POWER OF BOARD.] The State Board of Health shall have the general supervision of the interests of the health and life of the citizen of the State. They shall have charge of all matters pertaining to quarantine; and shall have authority to make such rules and regulations, and such sanitary investigations, as they may from time to time deem necessary for the preservation or improvement of public health; and it shall be the duty of all police officers, sheriffs, constables, and all other officers and employes of the State, to enforce such rules and regulations, so far as the efficiency and success of the Board may depend upon their official co-operation.

§ 3. [CHARGE OF REGISTRATION OF BIRTHS AND DEATHS.] The Board of Health shall have supervision of the State system of registration of births and deaths as hereinafter provided; they shall make up such forms, and recommend such legislation as shall be deemed necessary for the thorough registration of vital and mortuary statistics throughout the State. The Secretary of the Board shall be the Superintendent of such registration. The clerical duties, and the safe keeping of the bureau of vital statistics thus created shall be provided by the Secretary of State.

§ 4. [DUTY OF PHYSICIANS—PENALTY.] It shall be the duty of all physicians, and accouchers in this State, to register their names and postoffice address with the County Clerk of the county where they reside; and said physicians and accouchers, shall be required under penalty of ten dollars, to be recovered in any court of competent jurisdiction in the State, at suit of the County Clerk, to report to the County Clerk, within thirty days from date of their occurrence, all births and deaths which may come under their supervision, with a certificate of the cause of death, and such correlative facts as the Board may require, in the blank forms furnished as hereinafter provided.

§ 5. [REPORT OF BIRTHS AND DEATHS.] Where any birth or death shall take place no physician or accoucher being in attendance, the same shall be reported to the County Clerk, within thirty days from the date of their occurrence with the supposed cause of death, by the parent, or if none, by the nearest of kin not a minor, or if none, by the resident house-holder where the death shall occur, under penalty as provided in the preceding section of this act.

§ 6. [CORONERS—REPORTS OF.] The Coroners of the several counties shall be required to report to the County Clerk, all cases of death which may come under their supervision, with the cause and mode of death, &c., as per forms furnished, under penalty as provided in section four of this act.

§ 7. [PENALTIES—HOW DISPOSED OF.] All amounts recovered under the penalties herein provided shall be appropriated to a special fund for the carrying out the objects of this law.

§ 8. [BOOKS OF BIRTHS AND DEATHS.] The County Clerks of the several counties in the State shall be required to keep separate books for the registration of the names and post-office address of physicians and accouchers, for births, for marriages, and for deaths; said books shall always be open to inspection without fee; and said County Clerks shall be required to render a full and complete report of all births, marriages and deaths to the Secretary of the Board of Health, annually, and at such other times as the Board may direct.

§ 9. [FORMS.] It shall be the duty of the Board of Health to prepare such forms for the record of births, marriages and deaths, as they may deem proper; the said forms to be furnished by the Secretary of said Board, to the County Clerks of the several counties, whose duty it shall be to furnish them to such persons as are herein required to make reports.

§ 10. [MEETINGS OF THE BOARD.] The first meeting of the Board shall be within fifteen days after their appointment, and thereafter

in January and June of each year, and at such other times as the Board shall deem expedient. The meeting in January of each year shall be in Springfield. A majority shall constitute a quorum. They shall choose one of their number to be President, and they may adopt rules and by-laws for their government, subject to the provisions of this act.

§ 11. [OFFICERS—COMPENSATION.] They shall elect a Secretary who shall perform the duties prescribed by the Board; and by this act, he shall receive a salary which shall be fixed by the Board; he shall also receive his traveling and other expenses incurred in the performance of his official duties. The other members of the Board shall receive no compensation for their services, but their traveling and other expenses, while employed on business of the Board, shall be paid. The President of the Board shall quarterly certify the amount due the Secretary, and on presentation of his certificate, the Auditor of State shall draw his warrant on the Treasurer for the amount.

§ 12. [ANNUAL REPORT.] It shall be the duty of the Board of Health to make an annual report through their Secretary, or otherwise, in writing to the Governor of this State, on or before the first day of January of each year; and such report shall include so much of the proceedings of the Board, and such information concerning vital statistics; such knowledge respecting diseases and such instruction on the subject of Hygiene, as may be thought useful by the Board, for dissemination among the people with such suggestions as to legislative action, as they may deem necessary.

§ 13. [APPROPRIATION.] The sum of five thousand dollars or so much thereof as may be necessary, is hereby appropriated to pay the salary of the Secretary; meet the contingent expenses of the office of the Secretary, and the expenses of the Board, and all costs for printing, which together shall not exceed the sum hereby appropriated; said expenses shall be certified and paid in the same manner as the salary of the Secretary.

§ 14. [ROOMS.] The Secretary of State shall provide rooms suitable for the meetings of the Board, and office room for the Secretary.

APPROVED May 28, 1877.

STATE TREASURER.

§ 1. Bonds—How Indorsed.

| § 2. Repeal.

AN ACT to provide security for Bonds in the State Treasury. Approved May 25, 1877. In force July 1, 1877.

SECTION 1. [BONDS—HOW INDORSED.] Be it enacted by the People of the State of Illinois, represented in the General Assembly, Every United States or other Bond now in the State Treasury, or that may hereafter

come into the Treasury, shall immediately be indorsed with the words following, viz: "Property of the State of Illinois, not transferable by the Treasurer, without the consent of the Governor indorsed thereon.

§ 2. [REPEAL.] All acts, and parts of acts, inconsistent herewith, are hereby repealed.

APPROVED May 25, 1877.

TOLL ROADS.

6. Road-bed—Width.

7. When Gates Erected and Toll Charged.

9. County Board may fix Tolls.

26. Extension of Toll Roads.

2. Repeals section 8 of act of 1874.

AN ACT to amend sections six (6), seven (7), nine (9) and twenty-six (26), of an act entitled "An act to revise the law in relation to Toll Roads," approved March 25th, 1874, and to repeal section eight of said act. Approved May 11, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section six (6), seven (7), nine (9), and twenty-six of an act entitled "An act to revise the law in relation to toll roads," approved March 25, 1874, be and the same are hereby amended so as to read as follows:

§ 6. [ROAD-BED—WIDTH.] At least eight feet in width of the road-bed of every such road shall be so planked, graveled, macadamized or otherwise made as to secure a firm and substantial road suitable for public travel, with the earth or dirt track so constructed as to afford turnouts for teams at any place.

§ 7. [WHEN GATES ERECTED AND TOLL CHARGED.] As soon as such road shall have been completed, or any part thereof not less than one-half mile continuously, and so from time to time, as often as one-half mile in addition shall be completed adjoining that previously constructed, the county board of the county in which the road lies, shall, on application, appoint three judicious householders who shall, on oath, examine the same and report their opinion to the county board in writing, and if it shall appear from such report, to the satisfaction of the board, that the road or such part thereof is completed agreeably to the provisions of this act, and suitable for travel, such board shall authorize the erection of gates at suitable distances, and the taking of toll.

§ 9. [COUNTY BOARD MAY FIX TOLLS.] It shall be the duty of the county board of any county in which any toll road, or any part thereof, is or may hereafter be situated, to fix from time to time such rates of toll to be charged on such road, or part thereof, as may be deemed just and proper and for the public good; and in case of the neglect of the owner or operator of any toll road to keep the same in repair and suitable for public travel, such board may prohibit the taking of toll thereon.

§ 26. [EXTENSION OF TOLL ROADS.] Any turnpike, gravel, plank, macadamized or other toll road company heretofore incorporated by general or special act of incorporation, having obtained the right of way, in pursuance of law, for the extension of its road, may extend its road at either end, by giving the notice required in section three (3) of this act, and obtaining the consent as provided in sections one (1) and four (4) of this act. And whenever any such company shall have extended its road as aforesaid any distance not less than one-half mile, and so, from time to time, as often as one-half mile in addition shall be completed adjoining that previously constructed, the county board of the county in which the road lies, shall, on application, appoint three judicious householders who shall, on oath, examine the same and report their opinion to the county board in writing, and if it shall appear from such report to the satisfaction of the board that such extension is completed agreeably to the provisions of this act, and suitable for travel, such board shall authorize the collection of tolls thereon as provided in this act.

§ 2. [REPEALS SECTION 8 OF ACT.] Section eight (8) of the act hereinabove specified be and the same is hereby repealed.

APPROVED May 11, 1877.

TOWNSHIP ORGANIZATION.

ORGANIZATION OF TOWNS BY COUNTY BOARDS.

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| 1. Territory in city organized as town. | 5. What city council may provide. |
| 2. Town in city. | 6. May regulate the number of justices. |
| 3. Election of officers. | 7. Vacancies. |
| 4. Powers exercised by council. | |

AN ACT to authorize County Boards in Counties under Township Organization to organize certain Territory situated therein as a Town. Approved May 23, 1877. In force July 1, 1877.

SECTION 1. [TERRITORY OF CITY ORGANIZED AS TOWN.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the County Board, in any county under township organization, may provide that the territory embraced within any city in such county shall be organized as a town: Provided, Such territory shall have a population of not less than three thousand. And provided, The City Council in such city shall by resolution request such action by the County Board.*

§ 2. [TOWN IN CITY.] The territory of any city now organized, within the limits of any county under township organization, and not situated within any town, shall be deemed to be a town.

§ 3. [ELECTION OF OFFICERS.] All town officers within any town organized as aforesaid shall be elected at the annual charter election of

such city. All general elections held in such city and town shall be held at the same voting places as the city elections, with judges and clerks appointed in like manner as for the city elections.

§ 4. [POWERS EXERCISED BY COUNCIL.] The powers vested in such towns shall be exercised by the City Council.

§ 5. [WHAT CITY COUNCIL MAY PROVIDE.] The City Council in such city and town may by ordinance provide that the offices of City and Town Clerk shall be united in the same person; that the election of highway commissioners shall be discontinued; that the offices of Supervisor and Poormaster shall be separated, and the Poormaster appointed by the City Council.

§ 6. [MAY REGULATE THE NUMBER OF JUSTICES.] The City Council in such city and town may from time to time regulate the number of justices of the peace, police magistrates and constables to be elected within such city and town; but the number elected to either of such offices shall not exceed the number allowed by law to other towns of like population.

§ 7. [VACANCIES.] Vacancies in any of the town offices within such city and town may be filled by the City Council.

APPROVED May 23, 1877.

ELECTIONS.

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| § 1. Ballot Boxes—Polling Places—Canvass—
Town Meeting. | § 2. Emergency. |
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AN ACT to amend section Seven of Article Seven of an act entitled "An act to revise the law in relation to Township Organization," approved and in force March 4th, 1874. Approved and in force March 9, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section seven of article seven of an act entitled "An act to revise the law in relation to township organization," approved and in force March 4th, 1874, be and the same is hereby amended so as to read as follows, to-wit:

§ 7. [BALLOT BOXES—POLLING PLACES—CANVASS—TOWN MEETING.] The town shall supply a suitable ballot-box or boxes to be kept and used in like manner as ballot-boxes in other elections. In incorporated towns, or incorporated villages, whose limits are co-extensive with the limits of a town; or in any organized town where the number of voters at the last preceding general election exceeded three hundred, the County Board may require one or more additional ballot-boxes and places for the reception of votes to be provided, which places shall be selected with reference to the convenience of the electors of the town, and shall designate at which of said polling places the Town Clerk shall act as Clerk of the election; and such polling place, when so designated, shall be the place for transacting the miscellaneous business of the town. And when several places are so provided, the electors present shall choose from their number one Assistant Moderator and

one Assistant Clerk, for each additional ballot-box, to receive the votes therein, who shall take the same oath and be subject to the same penalties as the Moderator and Clerk, and shall be under the direction of the Moderator. At the closing of the polls all the said ballot-boxes shall be brought together at the polling place where the Town Clerk acts as Clerk of the election, and the votes shall be canvassed at the same time and in the same manner, and return thereof made the same as if all the votes had been cast in the same ballot-box. When there shall be more than one polling place designated in such towns, the general meeting for the transaction of business shall be held at the time hereafter mentioned at the polling place where the Town Clerk acts as Clerk of the town election; or, if there be no Town Clerk, then at such place as shall be designated by the County Clerk. And it shall be the duty of the Town Clerk, or if there be no Town Clerk, it shall be the duty of the County Clerk to post up in three of the most public places in the town, a notice of each of the places in the town where the County Board have directed and required the election to be held: *Provided, however,* That in towns which lie wholly within the limits of an incorporated city, the Common Council of such city shall divide each of such towns into election precincts, and designate the voting places in each precinct; and any elector in such towns shall be entitled to vote for town officers only in the precinct in which he may reside. The Common Council of such city shall also appoint three Judges of Election for each of such precincts, who may be the same persons as are appointed as Judges for an election for city officers held on the same day. Such Judges of Election may choose two Clerks of Election for each precinct, and such Judges and Clerks shall take the oath of office now prescribed by the general election law of the State. The ballots cast at such election for town officers shall be deposited in a separate ballot-box, and shall be counted and canvassed by the Judges of election separately from any other ballots that may be cast at any other election that may be held on the same day. Said Judges of Election shall cause to be kept a separate poll list which shall contain the names of all persons voting at such election for town officers, together with their residence. And immediately upon closing the polls they shall canvass the votes polled in the manner provided by the general election law of the State, and make a written statement or certificate of the number of votes cast at such election for each person voted for, and the office for which such person received such votes, and shall, within forty-eight hours thereafter, cause such certificate and the poll list, together with the ballots cast at such election, to be separately sealed up and transmitted to the Clerk of the town. The Supervisor, together with the Assessor and Collector, shall, within five days thereafter, meet and canvass said returns and declare the result of said election. The town meetings to be held in such towns for the transaction of town business, as now provided by law, shall be held at two o'clock in the afternoon of said day at such voting place in such town as the Common Council of such city may designate, at which meeting a Moderator shall be chosen to preside by the electors present, and the Town Clerk shall act as Clerk of said meeting, and keep a record of the proceedings thereof.

§ 2. [EMERGENCY.] Whereas an emergency exists, by reason of the happening of town elections in April, 1877, this act shall take effect and be in force from and after its passage.

APPROVED March 9, 1877.

COMMISSIONERS OF HIGHWAYS.

§ 3. Compensation of Treasurer.

AN ACT to amend section three (3) of act entitled "*An act to provide for the election of Commissioners of Highways in counties under township organization, and to legalize the election and official acts of such as were elected in the year 1874 and 1875, and to fix the compensation of the Treasurer of such Commissioners,*" approved April 15, 1875. Approved May 11, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That section three (3) of an act entitled, "An act to provide for the election of Commissioners of Highways in counties under township organization, and to legalize the election and official acts of such as were elected in the year 1874 and 1875, and to fix the compensation of the Treasurer of such Commissioners," approved April 15, 1875, be amended so as to read as follows :*

§ 3. [COMPENSATION OF TREASURER.] The Treasurer of the Board of Highway Commissioners shall receive for his services as such Treasurer, such compensation as may be agreed upon by said Board, not exceeding two per cent. on all moneys he may receive and pay out, except such moneys as he may pay over to his successor in office, such compensation to be fixed by resolution of the Board at the time such Treasurer is appointed, and no other and different sum shall be allowed such Treasurer during his term of office.

APPROVED May 11, 1877.

UNIVERSITIES, COLLEGES, ACADEMIES, ETC.

INDUSTRIAL UNIVERSITY.

§ 1. Funds, how to be invested.

| § 2. Emergency.

AN ACT to amend section seven of an act entitled "*An act to regulate the Illinois Industrial University, and to make appropriations therefor,*" approved May 7, 1873. Approved and in force April 17, 1877.

SECTION 1. [FUNDS, HOW TO BE INVESTED.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That section seven of an act, entitled "An act to regulate the Illinois Industrial University, and to make appropriations therefor," approved*

May 7, 1873, be amended to read as follows: Section seven (7). The Treasurer of the said University, and the said Board, are hereby required in the future to invest the principal of the funds arising from the endowment granted by the United States, in interest bearing bonds of the United States, or of this State, or in good County, or School District bonds of this State. They are hereby prohibited from changing the securities in which said fund may be invested, except for reinvestment in interest bearing bonds of the class and character specified above in this section.

§ 2. [EMERGENCY.] Whereas, a portion of the investments of said fund will terminate in the month of May, and for that reason an emergency exists requiring that this act should take effect immediately; therefore, this act shall take effect and be in force from and after its passage.

APPROVED April 17, 1877.

INDUSTRIAL UNIVERSITY.

§ 10. Certificates and Diplomas.

AN ACT to amend section ten of an act entitled "*An act to provide for the organization and maintenance of the Illinois Industrial University,*" approved February 28, 1867. Approved May 11, 1877. In force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section ten (10) of the above entitled act be amended to read as follows:

§ 10. [CERTIFICATES AND DIPLOMAS.] The faculty of the University shall consist of the chief instructors in each of the several departments. The trustees, on recommendation of a majority of the faculty, may authorize the Regent of the University to issue certificates of scholarship under the seal of the University, to any student of good moral character who shall have been in attendance not less than one year, and shall have completed satisfactorily the studies of the year, which certificates shall set forth the precise attainments as ascertained by special examinations in the several branches of learning studied by such student during his attendance in the University; and on like recommendation of the faculty, the trustees may authorize the Regent, as President of the University to issue diplomas to such persons as shall have completed satisfactorily the required studies, and sustained the examinations therein, conferring such literary and scientific degrees as are usually conferred by Universities for similar or equivalent courses of studies, or such as the trustees may deem appropriate. All certificates and diplomas shall be in the English language, unless the student entitled to receive the same shall otherwise prefer.

APPROVED May 11, 1877.

WOLF SCALPS.

§ 1. Bounty on.

§ 2. Allowance to be entered of Record.

§ 3. Scalp to be produced.

§ 4. Duty of Clerk.

AN ACT *authorizing counties to give a bounty on wolf scalps.* Approved
May 18, 1877. In force July 1, 1877.

SECTION 1. [BOUNTY ON.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the County Board of any county in this State may hereafter allow such bounty on wolf scalps as said board may deem reasonable, said bounty to be paid out of the Treasury of the county wherein said wolf or wolves were killed, upon the certificate of the Clerk of the County Board.

§ 2. [ALLOWANCE TO BE ENTERED ON RECORD.] When the County Board of any county shall determine upon the allowing of a bounty on wolf scalps, for any one year, they shall enter an order upon their record setting forth the amount of such allowance.

§ 3. [SCALP TO BE PRODUCED.] The person claiming a bounty shall produce the scalp or scalps, with the ears thereon, and within sixty days after the same shall have been caught, to the Clerk of the County Board wherein such wolf or wolves may have been caught and killed, whereupon, the Clerk of said Board shall administer to said person, the following oath or affirmation, to-wit: "You do solemnly swear (or affirm, as the case may be), that the scalp or scalps here produced by you was taken from a wolf or wolves killed and first captured by yourself within the limits of this county and within the sixty days last past;" which oath or affirmation shall be subscribed by the affiant.

§ 4. [DUTY OF CLERK.] It shall be the duty of the several Clerks of the County Boards to keep a record of the amount of certificates issued as a premium for wolf scalps, to whom, and at what date, and lay the same before the board at its regular annual meeting in each year.

APPROVED May 18, 1877.

JOINT RESOLUTIONS.

ADJOURNMENT.

Resolved by the House of Representatives, the Senate concurring herein, That when the two houses adjourn this day (January 25) they stand adjourned until Thursday, February 1, 1877, at 10 o'clock A. M.

Resolved, by the House of Representatives, the Senate concurring therein, That when the two houses of this General Assembly shall adjourn on Thursday, the 24th day of May next, they shall stand adjourned *sine die*.

AGRICULTURAL COLLEGE.

WHEREAS, In the case of the People of the "State of Illinois *ex rel.* the Attorney General versus The Irvington Agricultural College," there has been a judgment rendered in the Circuit Court of Washington County, Illinois; therefore

Resolved by the House of Representatives, the Senate concurring therein, that the Attorney General is hereby instructed to proceed at once in the Supreme Court of this State to further test in said case the rights of this State, and report to the 31st General Assembly his proceedings under this resolution.

AMENDMENT TO CONSTITUTION.

Resolved by the House of Representatives of the State of Illinois, the Senate concurring herein, That there shall be submitted to the voters of this

State, at the next election for members of the General Assembly, a proposition to so amend the thirty-first (31st) section of the fourth (4th) article of the constitution of this State that the same may read as follows :

The General Assembly may pass laws permitting the owners of lands to construct drains, ditches and levees for agricultural, sanitary or mining purposes, across the lands of others, and provide for the organization of drainage districts and vest the corporate authorities thereof, with power to construct and maintain levees, drains and ditches, and to keep in repair all drains, ditches and levees heretofore constructed under the laws of this State, by special assessments upon the property benefited thereby.

ART GALLERY.

Resolved by the House of Representatives, the Senate concurring herein, That the Secretary of State is hereby instructed and empowered to prepare the art gallery of the State House for the temporary reception of the trophies and records of the office of the Adjutant General of the State: *Provided,* That the cost of fitting up said gallery and the removal of said trophies and records shall not exceed three hundred dollars.

CHAPLAINS.

Resolved, by the House of Representatives, the Senate concurring herein, That there shall be paid to each of the clergymen of this city who have officiated as chaplains of the 30th General Assembly, the sum of thirty-six dollars.

The names to be divided equally and placed upon the pay rolls of the two Houses and certified by the respective presiding officers to the amount specified in this resolution.

COMMITTEES.

WHEREAS, In the discharge of their duties, as members of the 30th General Assembly, many members have been compelled to travel to various parts of the State, in discharge of committee work ; and

WHEREAS, No positive rule now exists by which to compute the

amount of compensation due such members for expenses so incurred by them ; therefore, be it

Resolved by the House of Representatives, the Senate concurring herein, That the Senate Committee on "Expenses of the General Assembly," and the House Committee on "Contingent Expenses," be instructed to jointly inquire into said matter, and report to the House and Senate the respective amounts due each member of any committee that have so incurred expense in the discharge of their duties.

DAMAGES CAUSED BY DAMS.

Resolved by the House of Representatives, the Senate concurring herein, That a committee of five be appointed—three by the Speaker of the House, and two by the President of the Senate ; and that it shall be the duty of such committee to investigate at some favorable time during the present year, all claims for damages caused by the construction of the dams at Henry, on the Illinois river, and at New Haven, on the Little Wabash river, and report :

1st. The number of acres of land owned by such individuals damaged by reason of the construction of the dam on the Illinois river at Henry, and of the dam on the Little Wabash river at New Haven, with a full description, location, etc., with reference to said dams ; the names of the present owners of said lands, and the different conveyances thereof, if any, since such dams were constructed.

2d. The value of such land prior to the construction of such dams.

3d. The value of such land since the construction of such dams.

4th. The amount of damages, if any, to each tract of land, and also the damage to any and all other property injured by reason of the construction of said dams.

The said committee to be authorized, if they find necessary so to do, to employ a clerk and to send for persons and papers, and to examine witnesses, under oath, as to the questions aforesaid ; and to visit the premises and to take such testimony, and to report to the House and Senate of the next General Assembly.

The members of said committee, and the clerk, shall be allowed at the rate of five dollars per day for time actually and necessarily employed in such examinations, and actual traveling expenses, but no other compensation for performing the duties herein required : *Provided*, That no member of the Senate or House of Representatives residing in any county or district where any of such overflowed lands are located, shall be appointed on said committee.

FISH WAYS.

Resolved by the House of Representatives of the 30th General Assembly, the Senate concurring herein, That the Canal Commissioners of the Illinois and Michigan Canal be requested to construct fishways in all the government dams of the State.

INAUGURATION.

Resolved by the House of Representatives, the Senate concurring herein, That they will hold a joint session in the Hall of Representatives on Monday next, January 8th, at the hour of 12 m., for the purpose of witnessing the inauguration of the Governor, Lieutenant Governor, and other State officers elect.

INAUGURATION.

Resolved by the House of Representatives, the Senate concurring herein, That a committee of three from the House and two from the Senate, be appointed to wait upon the Honorable Judges of the Supreme Court, and invite them to be present at the inauguration of the Governor and other State officers elect.

JOINT RULES.

Resolved by the House of Representatives, the Senate concurring therein, That a joint committee of three on the part of the House, and two on the part of the Senate, be appointed as a committee on joint rules.

LEVEES, LOWER MISSISSIPPI.

WHEREAS, The Government of the United States has, within the thirteen years last past, collected from the people of the State of Illinois, the enormous sum of \$193,000,000, and,

WHEREAS, Said sum of money is largely in excess of the aggregate

sum collected from the people of the States of Tennessee, Arkansas, Louisiana, Mississippi, Alabama, Florida and Texas, in the same period of time—States directly interested in the levee of the lower Mississippi—and,

WHEREAS, The improvement and repair of said levees is contemplated by Congress, and is now under consideration by the General Government, and

WHEREAS, The citizens of Illinois have constructed many miles of levee along the Mississippi, Wabash and Ohio rivers, and

WHEREAS, Said levees are in the same need of improvement and repair as those on the lower Mississippi; Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring herein, That should the government of the United States decide to appropriate money for the improvement and repair of the levees of the lower Mississippi, that our Senators and Representatives in Congress are requested and instructed to use their influences and votes to procure an appropriation for the like improvement and repair of the levees of this State, which shall be just in amount after taking into consideration the amount of taxes paid by our people, and the number of miles of levee constructed and now under construction in the State of Illinois.

Resolved, That copies of this Preamble and Resolution be forwarded to our Senators and Representatives in Congress by the clerk of this House.

MISSISSIPPI VALLEY.

WHEREAS, Mississippi Valley has heretofore received from the General Government but meager appropriations for the improvement of its rivers and harbors; and

WHEREAS, The Mississippi Valley and its slopes produce the great bulk of the agricultural supplies of the country, and the producing classes of our people here, have been and are still compelled to ship the products of their industries to tide water over expensive lines of railways, at a cost of twenty per centum of the gross value of such products, a tribute they can ill afford to pay monopolists, and from which they of right ought to be protected by the General Government; and

WHEREAS, If the navigation of the Mississippi river, and its tributaries, should be improved by the judicious expenditures of liberal appropriations made by Congress, our surplus products could reach tide water by way of New Orleans, at a cost of six per centum of their gross value, saving to the Western producers fourteen per centum of the gross value of the products of their industries, which they would lose if compelled to reach tide water through unnatural channels; and

WHEREAS, By means of the first liberal appropriation made by Congress for the removal of obstructions to these Western rivers, the

mouth of the Mississippi has been successfully opened to commerce, but the benefits resulting from the consummation of this great enterprise can only be partially enjoyed by the inhabitants of the slopes and Valley of the Mississippi, unless their means of egress be facilitated by improving the navigation of the Western rivers; and

WHEREAS, By judiciously expended appropriations commensurate with the benefits which would result therefrom, the channel of the Mississippi river between the mouth of the Missouri River and the Gulf of Mexico, might be shortened nearly two hundred miles, together with the removal of the bars which retard the velocity of the current, this great stream might be subdued, and the immense adjacent territories of productiveness, now worthless from annual inundations and resulting malaria, might be reclaimed and utilized, therefore be it

Resolved by the House of Representatives, the Senate concurring herein, That the Congress of the United States, be, and is hereby memorialized to make just, liberal and sufficient appropriations for the permanent improvement of the navigation of the Mississippi river, and its tributaries and their harbors; and the expenditure of any money which may be appropriated, and in all contracts for such river and harbor improvements, that Congress adopt like rules and stipulations as in the contract with Captain Eads, by the act of Congress approved March 3, 1875.

Resolved, That the Governor is hereby requested to transmit a copy of this memorial and these resolutions to the Governors of Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Tennessee, Kentucky, Indiana, and Ohio, and request the co-operation of their Legislatures in advocacy of this memorial and resolutions.

Resolved, That this memorial and these resolutions be transmitted through the proper channels to the Senate and House of Representatives of the United States.

PAY OF MEMBERS.

Resolved by the Senate, the House of Representatives concurring herein, That the Auditor of Public Accounts is hereby directed to draw his warrant on the Treasurer for the sum of fifty dollars, allowed each member of the General Assembly by law, to be paid on pay rolls certified by the President of the Senate and Speaker of the House.

PATENTS.

WHEREAS, The patent laws of the United States have been so devised and construed as to shield and protect great and oppressive

monopolies, and to encourage gigantic speculations for the benefit of a few, at the expense of the people, while they are totally inadequate to secure to inventors adequate compensation for their inventions ; therefore,

Resolved by the House of Representatives, the Senate concurring herein, That the Senators from this State in Congress are instructed, and the Representatives are requested, to use their earnest efforts to secure such amendments to said laws as will provide :

1st. That any person may use any patented invention upon executing a bond in such sum, and with such security as the Circuit Court of the United States, for the district in which such use is to be made, shall direct and approve, conditioned that he will pay to the owners of such invention a proper license fee for the use of the same, which bond shall be filed in the office of the clerk of said court.

2d. That in all cases the measure of the license fee shall be such sum as will give the inventor reasonable compensation for his time, labor, ingenuity and expense, which sum shall in no case exceed the fee fixed for such use in contracts made by the inventor or owner ; and such license fee shall be the measure of damages in all actions and proceedings for the infringement of patents, and no other recovery for damages or profits shall be allowed.

PARK COMMISSIONERS.

WHEREAS, Extraordinary powers have been conferred upon the Park Commissioners by act of the Legislature of the State ; and

WHEREAS, An unjust exercise of the powers so conferred may, in times of great financial depression like the present, be made the means of oppression by levying distressing taxes upon the property within the jurisdiction of the Commissioners ; and

WHEREAS, By the terms of such acts the Commissioners are not amenable to the people whom they tax for the money to purchase and carry on parks, and grave complaints are made by citizens of Chicago of the onerous, unjust, unnecessary, and oppressive taxation to which they are subjected by the Commissioners, and of the unwise, injudicious, and reprehensible expenditures of money so raised, as follows: That raised by the sale of bonds ; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That a special committee of five, composed of three members of the House and two members of the Senate, be appointed to inquire into the complaints and ascertain how many acres of land are now embraced within the limits of the parks and of the boulevards connected therewith, and how many more are contemplated to be purchased ; and, second, from whom said lands were purchased, date of purchase, and price paid per acre in each instance ; third, the amount of taxes raised, directly and indirectly, for the purchase and improvement of lands since the date of the first purchase, the cost of levying and collecting said tax, and

the objects, purposes and items for which said taxes so raised were expended ; the amount of bonds, if any, which have been issued and held by said Commissioners, for what amount sold, commission for selling, and to whom paid, and what disposition has been made of all proceeds ; what sums of money, bonds, certificates, checks, lots, lands, and other articles and things of value have been paid, directly or indirectly, to the owners, editors or managers of any of the weekly or daily papers of the city of Chicago, or to any person or persons acting or pretending to act for them, as a payment, gift, grant, donation or bonus for any services rendered or pretended to have been rendered, and if so, to whom ; what sums of money or aforesaid considerations have been paid to any Commissioners, either directly or indirectly, and for what paid, and whether any of them have held any salaried office, place or position of trust by virtue of said Commission, and what was such service, and what was paid therefor, and to whom paid ; what considerations, either of money, bonds, stock, lots, etc., have been paid as attorneys' fees, and to whom, together with the whole cost of litigation and witness fees. Further, what lots or land in the vicinity of parks and boulevards are now owned or have been owned by the Commissioners, or any of them, or by any person or persons acting for them, together with the value of said lots and lands ; what amount has been expended by the Commissioners, or by their authority, for building, hot-houses, botanical gardens, beasts, birds and statuary, ornaments, and so forth, and whether the expenditure was authorized by law ; what prices have been paid contractors or others for materials furnished and work done in and upon said parks, and whether contracts for all such work have always been awarded to the lowest bidders ; what will be the probable cost of the acquisition of such additional lands as will be required for the use of said parks, and completing all improvements, and the annual cost of keeping up the same, and to inquire into such other matter as to said committee may seem fit.

Resolved, That the same committee be empowered to send for witnesses and papers, take testimony and conduct the proceedings of this investigation the same as in open court, and further, be instructed to report whether the existing park laws have been violated, and in what instance, and what measure, if any, can be adopted to reduce taxation for park purposes and the expenses of the said Park Commissioners in the city of Chicago, and report to the present session of the Legislature without delay.

PENITENTIARY COMMISSION.

WHEREAS, The International Penitentiary Commission, consisting of credited delegates from fifteen Governments of Europe and one from the government of the United States, has made the necessary preliminary preparation for an International Penitentiary Congress, to be

held at Stockholm, Sweden, under the auspices of the Swedish government, to consider and discuss questions connected with criminal jurisprudence and prison discipline throughout the world; and,

WHEREAS, Said congress is to be composed solely of prison officials, and delegates appointed by governments, and the State of Illinois, in common with the other States of this Union has been officially requested to send a representative to attend its sessions; and,

WHEREAS, The appointment of such Commissioner has been recommended by the National Prison Association, the American Social Science Association, and various other learned societies in the United States; therefore,

Resolved by the Senate, the House of Representatives concurring therein, That the Governor be and is hereby authorized to appoint a Commissioner from the State of Illinois to attend the meeting of the said International Penitentiary Congress, and to report thereon to the Governor.

PENSION TO SOLDIERS IN THE MEXICAN WAR.

WHEREAS, The House of Representatives at Washington city did, on the fourth (4th) day of January last, by a unanimous vote, pass a bill granting a pension of eight (8) dollars per month to the soldiers of the Mexican war, and to their unmarried widows; therefore, be it

Resolved by the Senate of the State of Illinois, the House of Representatives concurring herein, That our Senators in Congress be, and they are hereby instructed to vote for and use their influence to secure the speedy passage of said bill by the United States Senate.

And that they also be requested to insert in such bill the following:

That the soldiers of the Black Hawk war and their unmarried widows shall receive as a pension the sum of eight (8) dollars per month.

SILVER DOLLARS.

Resolved by the House of Representatives, the Senate concurring herein, That the members of both Houses of Congress from this State, are hereby instructed to introduce, and advocate the passage of a bill providing for the free coinage of silver dollars of the old standard of weight and fineness; to be a legal tender for any amount and for all purposes.

STATE OFFICERS.

Resolved by the House of Representatives, the Senate concurring herein, That a committee of three on the part of the House, and two on the part of the Senate, be appointed to wait upon Shelby M. Cullom, Governor elect; Andrew Shuman, Lieutenant Governor elect; George H. Harlow, Secretary of State; Thomas B. Needles, Auditor; Edward Rutz, Treasurer, and James K. Edsall, Attorney General, and inform them of their election, and request their attendance at a joint session of the General Assembly, in the Hall of Representatives on Monday next at 12 o'clock M., to take the oath of office prescribed by law.

SWAMP LANDS.

WHEREAS, Section 2, of the Act of Congress, approved March 2, 1855, entitled an Act to amend the Act approved September 28, 1850, entitled an Act to enable the State of Arkansas and other States to reclaim the Swamp Lands within their limits, provides that upon due proof by the agent of the State or States, before the Commissioner of the General Land Office, that any land located subsequent to the 28th day of September, 1850, by warrants or scrip, the State or States should be authorized to locate a quantity of like amount upon any of the public land subject to entry at one dollar and twenty-five cents per acre or less.

AND WHEREAS, Said law is inoperative on account of the rules and decisions of the Commissioner of the General Land Office, declaring that said indemnity scrip can only be located upon lands subject to entry in the State of Illinois, and of his refusal to further issue said scrip; therefore be it

Resolved, the Senate and House concurring therein, That the Congress of the United States be requested by act or otherwise, to instruct the Commissioner of the General Land Office to issue said scrip and to allow its location upon any of the public lands subject to entry at \$1.25 per acre or less, within or without the State of Illinois, and that he be directed to issue the same in eighty and one hundred and sixty acre tracts.

UNION STOCK YARDS.

WHEREAS, It is generally charged and alleged that the authorities at the various union stock-yards in this State are guilty of charging extortionate rates for feed and yardage for live stock consigned to such yards; and

WHEREAS, It is also alleged that the rules and practices at said yards permit and enforce nearly a total loss to the shipper of all dead animals that may be unloaded at such yards; therefore, be it

Resolved by the Senate, the House of Representatives concurring herein, That the Committee on Railroads in the Senate and House be instructed to jointly inquire into such charges and practices, and to report to this General Assembly, at an early day, what legislation, if any, is necessary to protect the agricultural and stock-growing interests from the extortions of such corporations.

ELECTION OF UNITED STATES SENATOR.

Resolved by the Senate, the House of Representatives concurring herein, That on Tuesday, the 16th day of January instant, at 11 o'clock, A. M. each house shall by itself, and in the manner prescribed by sections fourteen and fifteen of Revised Statutes of the United States, of 1873 and 1874, name a person for Senator in Congress from the State of Illinois, for the term of six years from the 4th day of March, A. D., 1877; and on Wednesday, the 17th day of January, instant, at 12 o'clock meridian, the members of the two houses shall convene in joint assembly, in the hall of the House of Representatives, and in the manner prescribed in said law declare the person who has received a majority of the votes in each house, if any person has received such majority, duly elected Senator to represent the State of Illinois in the Congress of the United States for the term aforesaid; and if no one person has received such majority, then proceed as prescribed in said law, in joint assembly to choose a person for the purpose aforesaid.

VANDALIA LOTS.

WHEREAS, There is now in possession of the Auditor of the State of Illinois a book entitled "Vandalia Lots," containing the original plat of the town of Vandalia; and,

WHEREAS, Said book is of no importance to citizens of this State, outside of Fayette county; and,

WHEREAS, Said book is but useless rubbish where it now is; therefore be it

Resolved by the House of Representatives, the Senate concurring herein, That the circuit clerk of the county of Fayette and State of Illinois, is hereby made the custodian of said book entitled "Vandalia Lots," and he is hereby authorized to procure and properly receipt for the same.

CERTIFICATE.

EXECUTIVE DEPARTMENT, }
OFFICE OF SECRETARY OF STATE. }

UNITED STATES OF AMERICA, }
STATE OF ILLINOIS. } ss.

I, GEORGE H. HARLOW, Secretary of the State of Illinois, do hereby certify that the foregoing published acts of the Thirtieth General Assembly of the State of Illinois, are true and correct copies of said acts, which have been approved by the Governor and filed in the office of the Secretary of State, with the exception of words or letters printed in brackets, thus: []; and that the foregoing published joint resolutions are true and correct copies of the same as filed in this office.

In witness whereof I herewith set my hand and affix the seal of State, at the city of Springfield, this 29th day of June, A. D. 1877.

[SEAL.]

GEO. H. HARLOW,
Secretary of State.

INDEX.

	PAGE.
ADMINISTRATION OF ESTATES—	
Adjustment of claims	1
Unclaimed money.....	2
AGRICULTURE AND HORTICULTURE—	
Board to make report.....	2
Statistics.....	3
AMENDMENTS TO CONSTITUTION—	
How proposed	4
How result declared.....	5
ANIMALS—	
Certain animals and birds personal property	6
Cruelty to animals, prevention.....	6
APPROPRIATIONS—	
Barnard and Gowen, damages	8
Blind Institution.....	8
Conviction of criminals in other States.....	9
Copperas Creek dam.....	9
Deaf and Dumb Institution.....	11
Douglas monument.....	11
Eye and Ear Infirmary, Chicago.....	12
Feeble-minded children—asylum.....	13
German National Bank, lost bond.....	14
Henry Head, expenditures suppressing rebellion.....	12
Horticultural Society.....	16
Industrial University.....	17
Insane—Central Hospital.....	18, 19
“ Eastern Hospital.....	20
“ Northern Hospital.....	24, 25
“ Southern Hospital.....	26
Lincoln Monument.....	27
Normal University, Normal.....	27
Normal University, Southern.....	28, 29
Penitentiary, Northern.....	30
Penitentiary, Southern.....	30
Reform school.....	35
Soldiers' Orphans' Home.....	36
Spring Lake, improvement.....	37
State Board of Agriculture.....	7
State Board of Health.....	210
State Government.....	37 to 45
State Historical Library and Natural History Museum.....	14
State House.....	46
State house grounds.....	47
Williamson and Jackson counties, suppressing insurrection	50
ATTORNEY-GENERAL—	
To canvas vote, amendments to constitution	5
To consider proof of claims for conviction in other States.....	9
To approve title, Eye and Ear Infirmary.....	13
To approve title, Feeble-minded Institute.....	13
To examine title, Eastern Hospital for Insane	24
To approve purchase of land for Southern Penitentiary	31
To canvas vote on appropriation for State House.....	46
To investigate suit on bond for grounds for State house.....	49
To represent the State before commission for claims.....	65

	PAGE.
AUDITOR OF PUBLIC ACCOUNTS—	
To send forms for agricultural statistics to county clerks.....	3
To canvas vote, amendment to constitution	5
To consider proof of claims for conviction in other States.....	9
To approve purchase of land for Southern Penitentiary	31
To canvas vote on appropriations for State house.....	46
To be clerk <i>ex-officio</i> of commission of claims	64
To report to Governor awards by commission of claims	65
To make annual insurance report.....	107
To certify bonds	160
To compute rates per cent. State tax.....	170
To draw warrants:	
State Board of Agriculture.....	7
Blind—Institution.....	8
Copperas Creek dam.....	10
Deaf and Dumb—institution	10, 11
Douglas monument.....	12
Claim of Henry Head	12
Eye and Ear Infirmary.....	13
Feeble-Minded Institute.....	23
German National Bank, Chicago.....	14
State Historical Library	16
Industrial University.....	17
Central Hospital for Insane.....	19
Eastern Hospital for Insane.....	19
Northern Hospital for Insane.....	26
Southern Hospital for Insane.....	26
Lincoln monument.....	27
Normal University, at Normal.....	28
Normal University, at Carbondale.....	29
Northern Penitentiary.....	30
Southern Penitentiary.....	34
Reform School.....	36
Soldiers' Orphans' Home.....	37
Bills of expense 30th General Assembly.....	38
Expenses State government.....	39 to 45
Completion of State house.....	47
Additional grounds for State house.....	49
Williamson and Jackson counties.....	50
Appellate Court, Chicago.....	72
Supreme Court Reports, purchased by State	75
Officers and employees of General Assembly.....	113
Authorized advertisements.....	207
CEMETERIES—	
Power to establish.....	51
CHARITABLE INSTITUTIONS—	
State divided into districts.....	51
CITIES, VILLAGES AND TOWNS—	
Election of city officers.....	54
How towns may become cities.....	54
Ferries and bridges.....	61
Municipal taxes, how assessed and collected	61
Police and firemen's relief fund.....	62
Repeal act incorporating Macedonia.....	55
Surplus fund or tax	55
Taxes in incorporated cities.....	56
Water taxes declared valid.....	61
Cities invested with certain powers	213
Issuing new bonds.....	162

	PAGE.		PAGE.
COMMISSION OF CLAIMS—		GENERAL ASSEMBLY—	
Claims against the State	64	Officers of the General Assembly.....	111
CONVEYANCES—		Pay of officers	112
Tenements surrendered or merged.....	65	GOVERNOR—	
CORPORATIONS—		Amendment to Constitution, to canvass	
Changing number of directors.....	67	vote.....	5
Suits against stockholders.....	66	Amendment to Constitution, to make pro-	
COUNTIES—		clamation of result.....	5
Removal of obstructions from water courses	68	To consider proof of claim for conviction	
COURTS—		in other States	9
Appellate courts created.....	69	Trustee of State Historical Library.....	15
Judicial circuits, State divided.....	73	To cause proclamation of vote on appropria-	
Supreme Court Reports, how and when		tion for State-house.....	47
published.....	74	To compute rates per cent., State tax.....	170
City courts.....	76	Direct in what newspapers publication shall	
County courts.....	77, 78, 114, 118	be made.....	207
Probate courts	79	Must approve—	
Repeal act establishing recorder's court,		Order of President State Agricultural	
El Paso.....	84	Board	7
Practice in courts of record.....	146	Vouchers and estimates, Copperas Creek..	10
CRIMINAL CODE—		Bond, German National Bank, Chicago.....	14
Taking illegal fees	87	Vouchers, Industrial University	17
Vagabonds, what shall constitute.....	87	Expenditures Central Hospital for Insane	
Causing witnesses to abscond.....	89	Plans, additional wings to Central Hos-	
Wrongs to children.....	90	pital.....	20
Frauds in the coloring of grain.....	91	Plan for Eastern Hospital for Insane.....	22
Conspiring, to define and punish.....	92	Contract for building Eastern Hospital	
Extravagance in expenditure of money on		for Insane.....	23
public works.....	92	Title to Eastern Hospital for Insane.....	24
To punish advertising for divorces.....	95	Plans for additions to Northern Hospital..	25
Persons not attorneys restrained from prac-		Vouchers, Normal University, Normal.....	28
tice.....	129	Vouchers, Normal University, Carbondale	
Practicing medicine without license.....	157	Vouchers, Northern Penitentiary.....	30
Conspiracy to impede business.....	168	Purchase of land for Southern Peniten-	
DESCENT OF PROPERTY—		tiary	31
Rules of descent.....	94	Contract for convict labor, Southern Pen-	
DRAINAGE—		itentiary	34
Petition to court.....	95	Exchange of convicts from one prison to	
Compensation for property taken.....	96	the other.....	35
DRAM SHOPS—		Vouchers, Reform School.....	36
Selling liquor.....	99	Bills of expense, Thirtieth General As-	
ELECTIONS—		sembly.....	38
When city election may be held	54	Bills of particulars, expenses of State	
Affidavit of witness.....	100	government.....	40 to 45
Repeal act town of Silver Creek.....	100	Expenditure, completion of State-house... 47	
Illegal voting by paupers.....	144	Bond for return of arms.....	135
Municipal corporations may vote to issue		Voucher for authorized advertisement.....	207
new bonds.....	162	Shall appoint—	
Election for School Directors.....	202	Two officers to enforce law for prevention	
Polling places, regulations.....	213	of cruelty to animals.....	6
EVIDENCE AND DEPOSITIONS—		Seven Commissioners, Eastern Hospital	
State patents, when copy <i>prima facie</i> evi-		for Insane.....	21
dence	101	Three Trustees, Eastern Hospital for the	
EXEMPTIONS—		Insane.....	22
Exempt property	101	Three Commissioners, Southern Peniten-	
Insolvent debtors.....	116	tiary	30
While performing military duty.....	134	Three freeholders to condemn grounds	
FEES AND SALARIES—		for State-house.....	49
Judges of city courts and county judges.....	103	Seven persons, State Board of Health.....	208
Masters in chancery.....	104	GUARDIANS AND WARD—	
County collectors.....	105	Bond—Proceedings to sell real estate.....	114
Clerks of courts of record.....	106	Release of sureties.....	142
Constables	107	HUSBAND AND WIFE—	
FORCIBLE ENTRY AND DETAINER—		Separate maintenance.....	115
Appeal—writ of restitution.....	109	INSOLVENT DEBTORS—	
GAME—		Assignment.....	116
When game may not be killed.....	110	Power of assignee.....	119
		INSURANCE—	
		Capital of companies.....	120
		County fire insurance companies.....	123
		Joint stock companies may extend charter..	121
		Mutual may become joint stock.....	122
		Auditor may revoke certificate.....	122
		Township insurance companies.....	127

	PAGE.		PAGE.
JURY—		PUBLIC NOTICE BY POSTING—	
Claims against estates.....	1	Administrator's notice.....	1
For Probate Court.....	80	Notice to issue bonds by corporate authori- ties.....	162
In cases of drainage.....	97	Petition to alter, widen or locate road.....	185
To assess damages in road cases.....	187	Meeting of Commissioners of Highways.....	189
JUSTICES AND CONSTABLES—		Petition to open road.....	198
Proceedings on default.....	128	Election of School Directors.....	202
Persons not attorneys restrained from prac- tice.....	128	Where County Board has directed election to be held.....	214
LANDLORD AND TENANT—		RAILROAD AND OTHER BONDS—	
Conveyances.....	65	Liability, time limited.....	157
Distress before rent due.....	129	Bonds of counties, cities, etc.....	158
MARRIAGES—		RAILROADS AND WAREHOUSES—	
Separate maintenance.....	115	Incorporation of railroad companies.....	163
License.....	130	Fencing and operating railroads.....	164
MILITARY CODE—		Damages by railroad corporation.....	165
Liability and exemption.....	131	Required to build depots.....	166
Enrollment.....	131	Power to use and own water craft.....	167
Volunteers.....	132	Obstructing business prohibited.....	167
Organization.....	132	Scales for weighing grain.....	168
Exemptions.....	134	Rate of storage in public warehouses.....	169
Parades and encampments.....	135	REPORTS TO THE GOVERNOR—	
Arms and armories.....	135	State Board of Agriculture.....	2
Fines and court martial.....	136	State Entomologist.....	2
Tax to be levied.....	138	Treasurer of Agricultural Board.....	7
General provisions.....	138	Commissioners of Southern Penitentiary... 32	
MILLS AND MILLERS—		State Officers.....	108
Regulating use of water.....	138	Auditor, awards by commission of claims... 65	
MINERS—		State Board of Health.....	210
Regulations for coal mines.....	139	REVENUE—	
Inspectors.....	141	For State purposes.....	170
OFFICIAL BONDS—		Bridges on border of State—how taxed.....	171
Release of sureties.....	142	Money for taxes, what kind.....	172
PAUPERS—		Unpaid taxes, form of returns.....	172
Overseers of poor.....	143	Powers of collectors of taxes.....	173
Illegal voting by paupers.....	144	Appeals from judgments in tax cases.....	174
Separate support of paupers.....	144	Proceedings in appeal cases.....	175
Tuition of pauper children.....	145	Curing irregularities in assessments.....	177
PENITENTIARY—		ROADS AND BRIDGES—	
Commissioners to construct Southern Peni- tentiary.....	30	Regulations.....	178
Acts of commissioners legalized.....	145	Duties of Commissioners.....	180
Authorized to convey real estate.....	146	Obstructing roads.....	182
PRACTICE—		Altering, widening, vacating or laying out... 185	
Suits—where brought.....	146	Private roads.....	190, 197
Incorporated companies, how served with process.....	147	Tax for road purposes.....	196
Order of trial.....	147	Duties of road supervisors.....	199
Proceedings in suits.....	148	SCHOOLS—	
Supreme court to make rules.....	154	Qualification of trustees.....	201
PRACTICE OF MEDICINE—		Division into districts.....	201
Persons practicing medicine — qualifica- tions.....	154	Borrowing money to build or repair school- houses.....	204
Examinations by board.....	156	Renting or sale of school lands.....	205
Register of names and address.....	209	Repeal act bounding certain school districts in St. Clair county.....	205
PUBLICATION IN NEWSPAPER—		SECRETARY OF STATE—	
Administrator's notice.....	1	Amendments to constitution, to publish same.....	4
Amendments to constitution.....	4, 5	Amendments to constitution, to canvass votes.....	5
Proposals for building Eastern Hospital for Insane.....	22	Trustee of State Historical Library.....	15
Contract for heating apparatus, Normal University, Carbondale.....	29	Notify judges when penitentiary is ready... 34	
Notice to non-resident obligors to procure grounds for state house.....	48	Certify bills of expense, 30th General As- sembly.....	38
Order for terms of city court.....	76	To purchase volumes decisions Supreme Court.....	45
Insolvent debtors, notice to creditors.....	117	To canvass vote on appropriation for State House.....	46
Mutual insurance companies — notice to form joint stock company.....	122	To keep books and papers of State House commissions.....	47
New bonds by corporate authorities.....	162	To indicate additional grounds for State House.....	48
Schedule of rates in public warehouses.....	169	To purchase Supreme Court reports.....	74
Sale of delinquent real estate.....	176	Supplying lost or missing laws.....	206
Proposals for State contracts.....	207	State Board of Health, clerical duties and statistics.....	209
		State Board of Health, to provide rooms.....	210

	PAGE,		PAGE.
STATE CONTRACTS—		JOINT RESOLUTIONS—	
Rates of advertising by the State.....	206	Adjournment.....	218
Commissioners to advertise for proposals.....	207	Adjournment.....	218
STATE BOARD OF HEALTH—		Agricultural College.....	218
Appointment of officers	208	Amendment to Constitution	218
Duties of the board.....	209	Art Gallery	219
STATE TREASURER—		Chaplains	219
To canvas vote, amendment to the constitu-		Committees	219
tion.....	5	Damages caused by Dams	220
Bonds to be endorsed.....	210	Fish-ways	221
TOLL ROADS—		Inauguration	221
Road bed—tolls.....	211	Inauguration	221
Extension of toll-roads.....	212	Joint Rules	221
TOWNSHIP ORGANIZATION—		Levees—Lower Mississippi.....	221
Organization of towns by county boards.....	212	Mississippi Valley	222
Powers of city council.....	213	Pay of Members.....	223
Ballot boxes—polling places.....	213	Patents	223
UNIVERSITIES—		Park Commissioners.....	224
Funds in certain bonds.....	216	Penitentiary Commission.....	225
Certificates of scholarship.....	216	Pension to Soldiers	226
WOLF SCALPS—		Silver Dollar.....	227
Bounty—Duty of county clerk	217	State Officers.....	227
		Swamp Lands.....	227
		Union Stock Yards.....	227
		United States Senator.....	228
		Vandalia Lots.....	228







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